*** *See also Catalogue at end of this Volume.*

VALUABLE LAW WORKS

PUBLISHED BY

STEVENS AND SONS,

119, CHANCERY LANE, LONDON, W.C.

MARCH, 1881.

Chitty's Statutes from Magna Charta to 1880.—*New Edition.*—A Collection of Statutes of Practical Utility. Arranged in Alphabetical and Chronological Order; with Notes thereon. The Fourth Edition. Containing the Statutes and Cases down to the end of the second Session of the year 1880. By J. M. LELY, Esq., Barrister-at-Law. In 6 vols. Royal 8vo. (8346 pp.) 1880. Price 12*l.* 12*s.* cloth.

*** **This Edition is printed in larger type than former Editions, and with increased facilities for reference.**

Coote's Treatise on the Law of Mortgage.—*Fourth Edition.* Thoroughly revised. By WILLIAM WYLLYS MACKESON, Esq., one of Her Majesty's Counsel. Royal 8vo. 1880. Price 2*l.* 2*s.* cloth.

"The book will be found a very valuable addition to the practitioner's library. . . . . Mr. Mackeson may be congratulated on the success with which he has converted an old and rather long-winded text-book into a complete, terse, and practical treatise for the modern lawyer."—*Solicitors' Journal.*

Palmer's Company Precedents.—*Second Edition.* For use in relation to Companies subject to the Companies' Acts, 1862 to 1880. Arranged as follows:—Agreements, Memoranda and Articles of Association, Prospectus, Resolutions, Notices, Certificates, Debentures, Petitions, Orders, Reconstruction, Amalgamation, Arrangements, Private Acts. With Copious Notes. By FRANCIS BEAUFORT PALMER, of the Inner Temple, Esq., Barrister-at-Law. Royal 8vo. 1881. Price 1*l.* 10*s.* cloth.

"Mr. Palmer gives us a collection judiciously selected and introduced by careful annotation. We can confidently recommend Mr. Palmer's book to the large class whom it concerns."—*The Times.*

Browne and Theobald's Law of Railway Companies.—Being a Collection of the Acts and Orders relating to Railway Companies. With Notes of all the Cases decided thereon, and Appendix of Bye-Laws, and Standing Orders of the House of Commons. By J. H. BALFOUR BROWNE, Registrar to the Railway Commissioners, and H. S. THEOBALD, Fellow of Wadham College, Oxford, Esqrs., Barristers-at-Law. In 1 vol., Demy 8vo. 1881. Price 1*l.* 12*s.* cloth.

Woodfall's Law of Landlord and Tenant.—With a full Collection of Precedents and Forms of Procedure. Containing also an Abstract of Leading Propositions, and Tables of certain Customs of the Country. Twelfth Edition, in which the Precedents of Leases have been revised and enlarged, with the assistance of L. G. G. Robbins, Esq. By J. M. LELY, of the Inner Temple, Esq., Barrister-at-Law, Editor of "Chitty's Statutes." Royal 8vo. 1881. Price £1 18*s.* cloth.

Wilberforce on Statute Law.—The Principles which govern the Construction and Operation of Statutes. By EDWARD WILBERFORCE, of the Inner Temple, Esq., Barrister-at-Law. Demy 8vo. 1881. Price 18*s.* cloth.

"Mr. Wilberforce's book bears throughout conspicuous marks of research and care in treatment."—*Solicitors' Journal.*

Steer's Parish Law; being a Digest of the Law relating to the Civil and Ecclesiastical Government of Parishes, and the Relief of the Poor. Fourth Edition. By WALTER HENRY MACNAMARA, Esq., Barrister-at-Law. Demy 8vo. 1881. Price 16*s.* cloth.

"An exceedingly useful compendium of Parish Law."—*Law Times.*

Odgers on Libel and Slander.—A Digest of the Law of Libel and Slander, with the Evidence, Proced[illegible] and Practice, both in Civil and Criminal Cases, and Precedents [illegible]E ODGERS, M.A., LL.D., Barriste[illegible]t. Demy 8vo. 1881. (pp. 820). Pri[illegible]

*** *A Catalogue of Modern Law Works*

Pitt-Lewis' County Court Practice.—A Complete Practice of the County Courts, including Admiralty and Bankruptcy, embodying the Acts, Rules, Forms and Costs, with Additional Forms and a Full Index. By G. PITT LEWIS, of the Western Circuit, Esq., Barrister-at-Law, sometime Holder of the Studentship of the Four Inns of Court, assisted by H. A. DE COLYAR, Esq., Barrister-at-Law. 2 vols. (2028 pp.). Demy 8vo. 1880. Price 2*l.* 2*s.* cloth.

"Mr. Pitt-Lewis has, in fact, aimed—and we are glad to say successfully—at providing for the County Courts practitioner what 'Chitty's Archbold' and 'Daniell's Chancery Practice' have long been to practitioners in the High Court."—*Law Magazine.*

"An excellent index completes a work which, in our opinion, is one of the best books of practice which is to be found in our legal literature."—*Law Times.*

Trevor's Taxes on Succession.—A Digest of the Statutes and Cases (including those in Scotland and Ireland) relating to the Probate, Legacy and Succession Duties, with Practical Observations and Official Forms. Third Edition. Completely rearranged and thoroughly revised. By EVELYN FREETH and ROBERT J. WALLACE, of the Legacy and Succession Duty Office. Royal 12mo. 1880. Price 12*s.* 6*d.* cloth.

"Contains a great deal of practical information, which is likely to make it very useful to Solicitors."—*Law Journal.*

Lowndes' Practical Treatise on the Law of Marine Insurance. By RICHARD LOWNDES, Author of "The Law of General Average," &c. Demy 8vo. 1881. Price 10*s.* 6*d.* cloth.

"It is rarely, indeed, that we have been able to express such unqualified approval of a new legal work."—*Solicitors' Journal.*

Greenwood's Manual of Conveyancing.—A Manual of the Practice of Conveyancing, showing the present Practice relating to the daily routine of Conveyancing in Solicitors' Offices. To which are added Concise Common Forms and Precedents in Conveyancing. Sixth Edition. Thoroughly revised. By HARRY GREENWOOD, M.A., Esq., Barrister-at-Law, Author of "Recent Real Property Statutes, consolidated with Notes." Demy 8vo. 1881. Price 15*s.* cloth.

"A careful study of these pages would probably arm a diligent clerk with as much useful knowledge as he might otherwise take years of desultory questioning and observing to acquire."—*Solicitors' Journal.*

Macaskie's Treatise on the Law of Executors and Administrators, and of the Administration of the Estates of Deceased Persons, with an Appendix of Statutes and Forms. By STUART CUNNINGHAM MACASKIE, of Gray's Inn, Esq., Barrister-at-Law. Demy 8vo. 1881. Price 10*s.* 6*d.* cloth.

Pollock's Digest of the Law of Partnership.—*Second Edition*, with Appendix, containing an annotated reprint of the Partnership Bill, 1880, as amended in Committee. By FREDERICK POLLOCK, of Lincoln's Inn, Esq., Barrister-at-Law. Author of "Principles of Contract at Law and in Equity." Demy 8vo. 1880. Price 8*s.* 6*d.* cloth.

Scott's Costs in the High Court of Justice and other Courts.—Fourth Edition. By JOHN SCOTT, Esq., Barrister at-Law. Demy 8vo. 1880. Price 1*l.* 6*s.* cloth.

"Mr. Scott's introductory notes are very useful, and the work is now a compendium on the law and practice regarding costs, as well as a book of precedents."—*Law Times.*

Wigram's Justices' Note Book.—Second Edition. Corrected to December, 1880. With an Index. By W. KNOX WIGRAM, Esq., Barrister-at-Law, J.P. Middlesex. Royal 12mo. 1881. Price 12*s.* 6*d.* cloth.

"We have nothing but praise for the book, which is a justices' royal road to knowledge, and ought to lead them to a more accurate acquaintance with their duties than many of them have hitherto possessed."—*Solicitors' Journal.*

"This is altogether a capital book. Mr. Wigram is a good lawyer and a good justices' lawyer."—*Law Journal.*

AN

ELEMENTARY TREATISE

ON

MAGISTERIAL LAW,

AND ON THE

PRACTICE OF MAGISTRATES' COURTS.

BY

W. SHIRLEY SHIRLEY, M.A., Esq.,

BARRISTER-AT-LAW, OF THE INNER TEMPLE AND NORTH-EASTERN CIRCUIT, AUTHOR OF "A SELECTION OF LEADING CASES IN THE COMMON LAW," "A SKETCH OF THE CRIMINAL LAW," ETC.

LONDON:
STEVENS AND SONS, 119, CHANCERY LANE,
Law Publishers and Booksellers.
1881.

PREFACE.

THE absence up to the present time of an introductory treatise on Magisterial Law and Practice is probably best accounted for by the fact that until lately, as a branch of legal study, it has been deemed almost unworthy of serious attention. Now, however, that it has been constituted a special examination subject, candidates for the legal profession will find it convenient to be as familiar with the law of pauper settlements, public-house licenses, and affiliation orders, as with the principles of contributory negligence, contingent remainders, or the marshalling of assets. This is my apology for inflicting on the world another book. There are, doubtless, many excellent works of reference and authority on the subject of which it treats; but I am not aware of the existence of a single book specially intended or adapted for beginners.

I acknowledge most gratefully the kind assistance I have received from several of my learned friends. As on former occasions, I have profited by the industry and ability of Mr. C. M. Atkinson, of the Inner Temple and North-Eastern Circuit, who has gone carefully through

the whole book, both in manuscript and proof. Indeed, several of the articles in Part II. (*e.g.*, those on Highways and Intoxicating Liquors) are almost entirely from his pen. My learned friend, Mr. A. Macmorran, of the Middle Temple and the Middlesex Sessions, has also been good enough to revise the proofs, and has suggested several important alterations and improvements. My brother also, Mr. Arthur Shirley, the Coroner for Doncaster, has helped me in those portions of the work with which he is most familiar.

W. S. S.

2, Dr. Johnson's Buildings, The Temple,
July 18*th*, 1881.

CONTENTS.

PART I.

THE ORDINARY PRACTICE OF MAGISTRATES' COURTS.

PART II.

SUBJECTS FREQUENTLY OCCUPYING THE ATTENTION OF MAGISTRATES.

LIST OF CASES REFERRED TO.

PART I.

THE ORDINARY PRACTICE OF MAGISTRATES' COURTS.

INTRODUCTORY.

Who may be magistrates.—A difference as to the qualification exists between county and borough magistrates.

With certain exceptions in favour of judges, heads of Oxford and Cambridge colleges, eldest sons of peers, privy councillors, &c., a county magistrate must be qualified under one or other of two statutes, viz., 18 Geo. II. c. 20, and 38 & 39 Vict. c. 54.

The former statute requires that a person aspiring to the office of a justice shall have either—

(1.) Landed estate in possession to the value of £100 a year, *or*

(2.) The reversion or remainder of an estate worth £300 a year.

The later Act (without repealing the earlier) gives a qualification to any one who for two years before his appointment has been the occupier of a dwelling-house assessed to the inhabited house duty at the value of not less than £100 a year.

Between these Acts two differences must be noticed:

(1.) A magistrate who has qualified under the earlier Act loses his right to act whenever he loses his quali-

fication; whereas a magistrate who qualified under the later Act, may act for twelve months after he ceases to be the occupier of the substantial dwelling-house which gave him his qualification.

(2.) A magistrate who has qualified under the earlier Act can qualify for any county. But one who qualified under the later Act can only qualify for the particular county in which the dwelling-house is situate.

Residence in the district, in the case of county magistrates, is not required.

Solicitors cannot be magistrates for counties in which they practise; but they can be magistrates for other counties.

The High Sheriff cannot act as a magistrate during his year of office. His name, however, remains on the commission, and at the end of his shrievalty his magisterial powers revive. In a late case the High Sheriff of Derbyshire, whose name was in the commission of the peace for that county, wanted to attend at the Quarter Sessions, and read his report on the county bridges, but it was held that he had no business there (*a*).

Coroners, it is said, cannot be made magistrates (*b*); but clergymen can be, though it is not considered wise to appoint them.

No property qualification is necessary for borough magistrates, nor need they be even burgesses. But they must be persons residing in, or within seven miles

(*a*) *Ex parte Colville*, 1 Q. B. D. 133.

(*b*) Although this rule will undoubtedly be found laid down by the older writers, it is believed that there are instances of coroners having been appointed to the magisterial bench; and indeed some coroners go far as to claim that they are *ex officio* justices of the peace.

of, the borough, or, at all events, occupying property in it. The Recorder, the Mayor, and the ex-Mayor, however, are *ex officio* borough justices. The restriction as to practising solicitors does not apply to boroughs, and, indeed, when a solicitor's practice is of a conveyancing and non-criminal class, there can be no objection in principle to such an appointment.

How persons become magistrates.—The Lord Chancellor (except in such anomalous districts as the Duchy of Lancaster) appoints both county and borough magistrates. In counties he usually (though not necessarily) attends to the recommendations of the Lord Lieutenant, and in boroughs to those of the corporation, or the borough members. The commission of the peace (containing the names of all the magistrates) for counties is kept by the Clerk of the Peace; and for boroughs by the Town Clerk. When the Lord Chancellor wishes to make a new appointment, he sends for the commission, inserts the name, and returns it. The person appointed, however, does not regularly become a magistrate till he has attended at the Quarter Sessions, and taken the necessary oaths. If he act without having taken the oath of qualification, or without being in fact properly qualified, he is liable to a penalty of £100. The acts, however, of an unqualified justice are not altogether void.

How persons cease to be magistrates.—The Lord Chancellor can at any time, and without assigning any reason, dismiss a magistrate from his office. This is done either directly, by the magistrate being informed by the Lord Chancellor that his further services are

dispensed with, or indirectly by the issuing of a new commission in which the dismissed person's name does not appear.

It is provided by the 22nd section of the Debtors Act, 1869 (*b*), that "if any person being assigned by Her Majesty's Commission to act as a justice of the peace is adjudged bankrupt, or makes any arrangement or composition with his creditors under the Bankruptcy Act, 1869, he shall be and remain incapable of acting as a justice of the peace until he has been newly assigned by Her Majesty in that behalf."

When the Sovereign dies, a fresh commission is issued. But the old one continues in force for six months after the death, unless the new commission is issued before that time has expired. Magistrates reinstated in the commission under such circumstances need not take the oaths again.

Stipendiary Magistrates.—This kind of magistrate requires a word of notice. The unpaid magistrates, as a rule, discharge their duties extremely well, but they would be the first to admit that such work is best done by a trained and experienced lawyer. The Legislature, recognizing this, has provided for the performance of magisterial work in large centres of population by a capable barrister. In London, these salaried magistrates are called "*Metropolitan Police Magistrates;*" and in the country, "*Stipendiaries.*" Such a magistrate sitting alone has power equal to that of two ordinary magistrates sitting together. Stipendiaries and police magistrates are appointed not by the Lord Chancellor,

(*b*) 32 & 33 Vict. c. 62.

but by the Home Secretary. They may appoint deputies when unable to act themselves. Any town of 25,000 inhabitants may have a stipendiary on agreeing to pay him a certain salary. These magistrates will not be further referred to specially in these pages. And indeed it will be convenient to speak generally of the duties and powers of *county* magistrates, the reader bearing in mind that what is said of them is applicable *mutatis mutandis* to other magistrates.

Disqualification by interest.—No man is allowed to be judge in his own cause. Accordingly, if a magistrate is directly interested in the result of a case, he must not act in it; and if, in spite of having such an interest, he does act, the decision of the court is thereby invalidated, and it is of no consequence that there would have been a majority without counting his vote. It is impossible to say how far the votes of the other magistrates may not have been influenced by his presence and support. Indeed, an interested magistrate ought to leave the bench altogether during the hearing of the case. Lord Holt (the model of an upright judge) did this on one occasion, and sat by the side of his counsel. The amount of the interest that disqualifies is not in all cases clear. It must be of a *private* kind, but it need not be *pecuniary*. Anything likely to give a real bias (former litigation or unpleasantnesses, for instance) would disqualify (*c*). But it was lately held that, when the Town Council of a borough had made an order requiring all dogs to be muzzled, justices were not disqualified from hearing cases of breaches of the

(*c*) *Reg.* v. *Meyer*, 1 Q. B. D. 173.

order merely by reason of being members of the Town Council. "According to your argument," said Pollock, B., to the unsuccessful side, "a member of the House of Commons could never sit to enforce penalties under a recent Act of Parliament" (*d*). For certain cases express provision has been made by the Legislature. Brewers are prohibited from acting at meetings for granting licenses; millers may not act in cases under the Bread and Flour Act; manufacturers may not act in Truck Act cases; and army officers may not act in Mutiny Act cases. On the other hand, the rule of disqualification is limited by statute in its application to poor-rate cases (except appeals), public health cases (*e*), gas cases, or (unless the magistrate is the owner of the lands trespassed on) to salmon fishery cases.

At the outset of the hearing the parties may agree to waive an "interest" objection. Such an objection should be taken at the beginning of the case. The unsuccessful party cannot avail himself of it if he was aware of the existence of the interest when the inquiry opened, and remained silent. He cannot wait to see whether the court will decide in his favour or against him, and then, the event being unpropitious, make use of the point.

The Magistrates' Clerk.—Every Court of Petty Sessions has an important officer called the Magistrates' Clerk, or clerk to the justices. His appointment rests with the magistrates of the court in which he is to

(*d*) *Reg.* v. *JJ. of Huntingdon*, 4 Q. B. D. 522.
(*e*) See, however, *Reg.* v. *Milledge*, 4 Q. B. D. 332, and *Reg.* v. *Gibbon*, 6 Q. B. D. 168.

act, and they may dismiss him at their pleasure without giving any reason. He is required to be either a barrister or a solicitor, and is now paid by salary, not, as formerly, by fees. His duties are multifarious. He receives and accounts for the fees, asks the defendant whether he is guilty or not guilty, swears the witnesses, takes the depositions, and makes himself generally useful. Such are his natural duties. But knowledge is power; and, in consequence of the ignorance of law and practice which too frequently prevails on the bench, his office has gained a degree of importance which it ought not properly to possess. In practice, the justices' clerk is their legal adviser, on whom they lean and rely in all their difficulties. It is obviously desirable, however, that a magistrate who wishes to faithfully discharge the duties entrusted to him should master his subject, and not be dependent for his law upon a mere officer of the court.

Actions against Justices. — An action may be brought (*f*) against a justice either (1) for some act done by him outside or in excess of his jurisdiction; or (2) for some act done by him within his jurisdiction.

If the act complained of was done by the justice *outside his jurisdiction or in excess of it*, the plaintiff must show in the first place that the conviction or order with which he quarrels has been quashed. For an act done by a justice *having jurisdiction* in the matter, no action lies, if he has merely made a mistake in law. If, however, he has acted maliciously

(*f*) 11 & 12 Vict. c. 44, and see *Crepps* v. *Durden*, and *Roberts* v. *Orchard*, SHIRLEY'S LEADING CASES.

and without reasonable and probable cause, he may be sued.

Every action against a justice must be begun within six months of the cause of action arising, and the justice is entitled to a month's notice of action. The action may be brought in the county court of the district in which the act complained of was done; but the justice may within six days of being served with the summons give the plaintiff notice that he objects to being sued in the County Court. Provision is made for the justice tendering amends, in which case the costs would fall heavily on an unsuccessful plaintiff. If the plaintiff was actually guilty of the offence of which he has been illegally convicted, or was liable to pay the sum ordered, he is not to recover more than 2*d.* damages, unless sent to prison for a longer period than the offence he was convicted of was punishable with.

The recent case of *Agnew* v. *Jobson* (*g*) is important on the subject of notice of action to a magistrate. A young girl in the county of Durham was suspected of having concealed the birth of an illegitimate child. She was taken into custody, and it was considered desirable to ascertain whether or not she had been lately delivered. The girl, however, admitted her guilt, and refused to submit to be examined, saying, "What is the use of examining me, when I confess it all?" The police, however, insisted, and induced the defendant, a justice of the peace, to sign an illegal order for her compulsory examination. In an action by the girl against the magistrate for this

(*g*) 13 Cox C. C. 625, and 47 L. J., M. C., 67.

treatment, the jury gave her a verdict for £50; but she had not given the defendant the notice of action required by 11 & 12 Vict. c. 44, and that point was reserved. In the end it was held "that Mr. Jobson had not been entitled to notice of action, on the ground that there was a total absence of any authority to do the act; and that although he had acted *bonâ fide*, believing he had such authority, there had been nothing on which to ground the belief, and no knowledge of any facts upon which such a belief might have been based." It is astonishing, however, considering the number and ability of the learned counsel engaged in *Agnew* v. *Jobson*, that the case of *Kirby* v. *Simpson* (*h*) does not seem to have been referred to.

Criminal informations against Justices.—When a magistrate has been guilty of corruptness, or other gross misconduct, in the execution of his office, he may be treated criminally. Criminal proceedings, for instance, were taken against Kennett, Lord Mayor of London, for not reading the Riot Act, releasing prisoners, and general neglect of duty, during the Gordon riots of 1780; and again, for similar misconduct during the Bristol riots of 1831, against the mayor of that city (*i*). A person who wishes to prosecute a magistrate in this way moves the Queen's Bench Division for an information, which will be granted only if the court considers there is justification for such a course. And it is clear that for mere mistake or irregularity the court will never allow an information to be filed.

(*h*) 10 Exch. 358.
(*i*) *R.* v. *Pinney*, 3 B. & Ad. 947.

Various Kinds of Sessions.—Magistrates' courts may be divided into three classes, *viz.*,—

(1.) Petty Sessions.

(2.) Special Sessions.

(3.) Quarter Sessions (*j*).

(1.) **Petty Sessions** are those local courts in which the greater part of magisterial work is transacted. Most counties are divided into Petty Sessional Divisions; a different set of magistrates acting in each, and no one acting out of his district. The time and place of holding Petty Sessions are matters in the discretion of the magistrates, but it is not now competent to a magistrate to sit at his own house unless it comes within the description of an "occasional court house" under the Summary Jurisdiction Act, 1879.

Merely ministerial acts, however, such as receiving informations, issuing warrants, &c., need not be performed in court, and one justice is sufficient for such work.

(2.) **Special Sessions** are held in each petty sessional division in obedience to a particular Act of Parliament, and for the transaction of a particular class of business. The times of the holding of courts of special sessions are often fixed by statute. Questions of the granting and renewing of ale-house licenses, for instance, are to be determined *in the provinces* at some court held between August 20th and September 14th; and *for the London district* in the first ten days of March. High-

(*j*) It is not thought worth while to refer to *General* Sessions, which are hardly found out of Middlesex. Quarter Sessions are, strictly speaking, *a species of* General Sessions.

way questions, again, must be settled at a court held within fourteen days of March 20th. There are some matters, however, which need not be dealt with at any particular time of the year, *e.g.* theatrical licenses, gunpowder or fireworks licenses, &c. It is necessary that every justice within the petty sessional district or borough should have notice of the time and place at which the Court of Special Sessions is to be held; and one justice cannot act alone.

(3.) **Quarter Sessions** are held four times in the year for the trial of the lighter felonies and misdemeanours, the hearing of appeals from the petty sessions, and for the transaction of such other local business as the Legislature may have entrusted the court with. The periods at which the Quarter Sessions for a county are to be held have been carefully fixed by statute; *viz.*, the first week after October 11th, the first week after December 28th, the first week after March 31st, and the first week after June 24th, with an exception for the event of what used to be called the Spring Assizes clashing with the Sessions. "The first week after" means the first *whole* week, so that, if October 11th is a Sunday, the Sessions will not begin before October 19th. In exceptionally populous counties it is found necessary to hold Intermediate Sessions for the trial of prisoners committed since the preceding Quarter Sessions. In boroughs having Quarter Sessions of their own, the Recorder fixes his court for any date he considers convenient, but he is required to hold a court in each of the four quarters of the year.

Summary Convictions and Orders.

The procedure, for the most part, when a bench of magistrates are asked to convict summarily or to make an order is governed by the two Acts of Parliament, 11 & 12 Vict. c. 43, and 42 & 43 Vict. c. 49.

From the operation of those Acts, however, certain subjects are expressly excluded. The principal of these excepted matters (*k*) are the removal of *paupers;* cases about *lunatics;* and *bastardy* orders. When the practitioner or magistrate has to do with a case of this kind, he should carefully consult the particular statute under which the proceedings are taken.

Information and Complaint.

An information differs from a complaint in being of a criminal nature. The informant asks for a *conviction;* the complainant for an *order.*

The rules applying generally to informations and complaints are to be found in 11 & 12 Vict. c. 43, a statute which is perhaps better known as "the second of Jervis's Acts."

We will speak first of informations.

(*k*) 11 & 12 Vict. c. 43, s. 35. The following words in s. 35 have been expressly repealed by 42 & 43 Vict. c. 49:—"Nor to any information or complaint or other proceeding under or by virtue of any of the statutes relating to Her Majesty's revenue of Excise or Customs, Stamps, Taxes, or Post Office." And see as to Bastardy 42 & 43 Vict. c. 49, s. 54.

When to be laid.—Where the time is not fixed by the particular statute under which the proceedings are taken, an information must be laid *within six calendar months* of the alleged commission of the offence (*l*). The limitation, however, does not apply to continuing offences, and the six months will not begin to run till the offence is technically complete. The *conviction*, of course, need not be within the six months. If the information has been laid within the proper period, the conviction may take place at any time afterwards. The practitioner must be on his guard against particular statutes imposing stricter time limitations than Jervis's Act does. Thus, an information for cruelty to an animal must be laid *within a month* of the offence; for an offence against his license by a publican, *within three months;* and so on.

By whom to be laid.—The information need not be laid by the informant in person. It will be sufficient if it is laid by "his counsel, or attorney, or other person authorised in that behalf" (*m*). But who is entitled to be the informant? If my neighbour's game preserves are poached upon, for instance, may I go and lay the information, although my neighbour is content to put up with the trespass patiently? In every case the particular statute should be consulted. But, speaking generally, it is not necessary that the informant should be the aggrieved party. And if the informant should die between the time of his

(*l*) 11 & 12 Vict. c. 43, s. 11.
(*m*) 11 & 12 Vict. c. 43, s. 10.

initiating the proceedings and their conclusion, it is of no consequence; they do not lapse. This was lately decided in a case in which a bookseller tried to shake off a conviction for having in his possession a number of scientific pamphlets considered by the law to be obscene (*n*).

Whether to be in writing or not.—Unless required to be so by the particular statute, the information need neither be in writing nor on oath. But, as a matter of practice, the information always is in writing, and a magistrate would be justified in declining to act on it unless put into that form. Moreover, when the magistrate is invited to issue a warrant in the first instance, instead of a summons, the matter of the information "shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before any such warrant shall be issued" (*o*).

Contents of information.—The information must contain all particulars necessary to inform the mind of a reasonable person *who is accusing whom of what*. Dates, places, names, descriptions, &c., should be carefully set out, and the charge should be made plain and clear, so that the accused may know exactly what he has to answer. Only one offence can be charged in an information; but a principal and abettor can be joined in the same information, and so can any number of persons charged with the same offence. On a joint information, however, there can be separate convictions (*p*).

(*n*) *Reg.* v. *Truelove*, 49 L. J., M. C., 57.
(*o*) 11 & 12 Vict. c. 43, s. 10.
(*p*) *Reg.* v. *Littlechild*, L. R. 6 Q. B. 293.

Variance.—When the proceedings are under Jervis's Act, variances between the information and the evidence adduced in support of it will not avail the defendant to any great extent. If the magistrates consider the defendant has really been deceived or misled thereby, they can adjourn the hearing of the case to some future day (*q*). If the information, however, has been laid under the wrong statute, they cannot do so; for that would amount to the substitution of one offence for another. And it is to be observed that when the proceedings are not governed by the Summary Jurisdiction Acts a variance may be fatal, as there may not be the same powers of adjournment which those Acts give.

Complaints.—What has been said of informations applies for the most part *mutatis mutandis* to complaints. But it must be distinctly borne in mind that a complaint differs from an information in being in the nature of a *civil* remedy. The complainant asks the court *not* to *punish* the defendant, but to order him to pay money, or to do, or abstain from doing, a particular thing. This being so, a warrant can never be issued to compel the appearance of a defendant to answer a complaint, as it can when an information initiates the proceedings (*r*). So, also, a defendant who has been ordered to pay money on a complaint can only be sent to prison in default if he is well able to pay but refuses or neglects to do so (*r*). Subject to these remarks, the reader will please to understand

(*q*) 11 & 12 Vict. c. 43, s. 1.
(*r*) 42 & 43 Vict. c. 49, s. 35; and see s. 6.

that in the following pages, when we are speaking of informations, we are at the same time speaking of complaints.

Summons and Warrant.

The information is the foundation of the summons or warrant, the object of which is to secure the appearance of the defendant to answer what is laid to his charge. Application for the one or the other is made to a magistrate according to circumstances. If, however, there is no danger of the accused making off, it will generally be better to apply for a summons in the first instance, and afterwards, if the defendant takes no notice of it, to get a warrant for his apprehension. One magistrate is sufficient for this, as for most of the other preliminaries to trial. A magistrate declining to act upon an information properly laid before him can be compelled by *mandamus* to issue his summons or warrant. As has already been stated, a warrant cannot be issued on a complaint.

The summons states briefly the nature of the information that has been laid against the defendant, and requires him to appear and answer it at a particular time and place. He must have reasonable time for obeying it (*s*). To appear on the same day, for instance, or to appear immediately on the receipt of the summons, would not be sufficient time. It need not be (though it had better be) served personally; if

(*s*) 11 & 12 Vict. c. 43, s. 2; but see *Clark* v. *JJ. of Cambridgeshire*, 44 J. P. 168.

it is left "with some person for him at his last or most usual place of abode" (*t*), it will do. A defendant who appears and pleads cannot take advantage of irregularities of service, for such appearance cures them. Nor will he get any good generally by pointing out differences between the summons and the information; but if the magistrates think he has been genuinely prejudiced by any such variance, they may adjourn the hearing. A summons when issued is delivered to the police-constable or other officer who is to serve it. When it is served in another county, it does not require to be backed.

Warrants (*u*).—To obtain a warrant, the informant must state on oath that the contents of his information are true and correct to the best of his knowledge and belief. The warrant is under the hand and seal of the magistrate issuing it, and directed to the constables of the district, bidding them arrest the person named, and bring him up to answer the information (*v*). The matter of the information is shortly stated in the warrant. In its natural state the warrant can only be executed within the county, or other district, in which the magistrate issuing it has jurisdiction, or, in case of fresh pursuit, within seven miles (measured in a straight line) of the border (*w*). But accused persons frequently go into other districts, and accordingly it has been

(*t*) 11 & 12 Vict. c. 43, s. 1. See, however, *In re* Wm. Smith, L. R. 10 Q. B. 608.

(*u*) For *arrests without warrants*, see p. 71.

(*v*) 11 & 12 Vict. c. 43, s. 3.

(*w*) See, however, 5 & 6 Will. IV. c. 76, s. 101, which authorises the execution of a warrant issued by Borough Magistrates anywhere in the county in which the borough is situate, or within seven miles of the borough; and 19 & 20 Vict. c. 69, s. 6.

provided that on proof on oath of the handwriting of the magistrate issuing a warrant, a magistrate in any other county or district may indorse the warrant, and so authorise its execution within his own jurisdiction. This is called *backing* a warrant; and the backing system mutually exists between England, Ireland, Scotland, and the Channel Islands. If the accused has returned into the county in which the warrant was originally issued, it may be executed there in spite of any number of backings in other counties. The necessity of backing has been lately emphasised and illustrated in a case in which some Worcestershire county constables had arrested a man, not freshly pursued, in the city of Worcester under the authority of a warrant of commitment from county magistrates. It was held that they had no business to do it, and that the man whom they arrested could not be convicted of assaulting the police in the execution of their duty (*x*). It may be remarked, too, in this place that the warrant must be actually in the possession of the constable at the time when he accomplishes his arrest; otherwise the arrest is illegal.

A warrant may not in summary proceedings (as it may in the case of indictable offences) be issued on Sunday (*y*).

A warrant (or summons) may still be executed though the magistrate issuing it dies, or ceases to hold office, before the execution of it (*z*).

No objection can be taken for any defect in a warrant or for any variation between it and the evidence.

(*x*) *Reg.* v. *Cumpton*, 49 L. J., M. C., 41.
(*y*) 29 Car. II. c. 7, s. 6.
(*z*) 42 & 43 Vict. c. 49, s. 37.

Witnesses brought by summons or warrant.—Not only the attendance of defendants, but the attendance of witnesses too, may be procured by summons or warrant (*a*). A magistrate, on being informed that a person within his jurisdiction who can give material evidence on either side "will not voluntarily appear," is required to issue a summons to him to come. If the person is in some other jurisdiction, the magistrate may still issue his summons; but it will then require indorsing (*b*). If the person summoned does not come, and has no just excuse for not coming (a reasonable sum must be tendered him for his expenses), a warrant may be issued. And, indeed, if it is clear from the beginning that the witness will not come "without being compelled" to do so, a warrant may be issued in the first instance. In cases, however, not within Jervis's Act, the only way of compelling a reluctant witness to appear is by a Crown Office subpœna, which is obtained from the Crown Office in London.

The Hearing.

Every case in which the magistrates exercise their summary jurisdictional powers must be heard in *open court* (*c*). This "open court" may be a "*petty sessional court-house*," or it may be an "*occasional court-house.*"

(*a*) 11 & 12 Vict. c. 43, s. 7.
(*b*) 42 & 43 Vict. c. 49, s. 36.
(*c*) 42 & 43 Vict. c. 49, s. 20.

The difference between them is that the former is the regular place where the magistrates are in the habit of sitting, while the latter is a place appointed to be used only occasionally. Magistrates sitting in an "*occasional court-house*" (no matter how many of them there may be) cannot send a defendant to prison for longer than fourteen days, nor inflict a greater fine than 20*s*.

Generally speaking, it is necessary that there should be at least two magistrates to hear a case. Some Acts of Parliament, however, specially provide that one shall be sufficient. But a magistrate sitting alone, even though in a petty sessional court-house, cannot imprison beyond fourteen days, nor fine beyond 20*s*. In fact, a magistrate sitting alone, in a petty sessional court-house, has just the same amount of power as two or more magistrates sitting together in an occasional court-house. For the purpose of the following remarks, we will assume that we have got *two or more magistrates sitting together in a petty sessional court-house.* These two magistrates so sitting together constitute what is called "*A Petty Sessional Court*" (*d*).

Jurisdiction.—A bench of magistrates are supposed, of course, only to deal with cases arising in their own district. But there are exceptions to the rule. The woman, for instance, in a bastardy case can drag the man to any court within whose jurisdiction she happens to "reside." Moreover, it has been lately provided (*e*) that offences committed on the boundaries of jurisdic-

(*d*) 42 & 43 Vict. c. 49, s. 20, sub-s. 6.
(*e*) 42 & 43 Vict. c. 49, s. 46.

tions, or within 500 yards, can be dealt with by any of the courts. So, if an offence is committed in a river, lake, or arm of the sea forming the boundary, either of the two courts can try it. So, too, when an offence is begun in one district and completed in another, the trial can take place in either. And offences committed on a journey (in a railway carriage, a steamer, or an omnibus, for instance) may be tried by any of the courts through whose jurisdiction the train or vessel or vehicle passed while the defendant was in it or on board.

Non-appearance.—If at the time the case is appointed to be heard the defendant does not appear, and it is proved that he has been properly served with the summons, the magistrates may, if they please, proceed to hear the case in his absence. The proof of the service of the summons need not be on oath, though a person making a false declaration would be guilty of "*perjury*" (*f*). It is a much better plan, however, when the defendant does not appear, to issue a warrant, and compel his appearance. But this can only be done when the proceedings are founded on an information.

It may happen that the defendant is present, but not the informant. In that case, the Bench can elect between dismissing the case altogether and adjourning it on such terms as they think fit; and, in deciding which of these courses they will take, they should remember that a man ought not to have an unin-

(*f*) 42 & 43 Vict. c. 49, s. 41.

vestigated charge hanging over his head longer than is necessary.

If both parties are present, personally or by legal representative, the magistrates will proceed to hear and determine the case.

Legal assistance.—Either side is entitled to the services of a barrister or solicitor. But, it may be observed, that the practice which prevails in some slip-shod country courts of allowing solicitors' clerks, or even policemen, to act as advocates is irregular and improper. If a *solicitor's* clerk, why not a *barrister's?* If a policeman, why not the usher of the court, or a bystander? The words in sect. 12 of the second of Jervis's Acts are "counsel or attorney," and 6 & 7 Vict. c. 73, s. 2, is even more distinct and emphatic on the point.

The court has power to order property found on a defendant and taken from him when apprehended to be restored to him, if they think it can be done consistently with the interests of justice; and this sometimes enables a defendant to obtain professional assistance when he otherwise could not (*g*).

Right to jury in certain cases.—There are a few cases in which the court is required to put a preliminary question to the defendant, whose answer in the affirmative will oust their summary jurisdiction. That question is, "Would you like to be tried by a jury instead of by us?" And every person has this option who is charged with an offence (not being an assault) rendering him liable on summary conviction to more than

(*g*) 42 & 43 Vict. c. 49, s. 44.

three months' imprisonment. If the defendant says he would prefer to go before a jury, the court will deal with the case as if it were an ordinary indictable offence. Children under twelve, whose friends are not in court, are not to have this choice (*h*).

Taking it that the defendant could *not* be sent to gaol for more than three months if convicted, or, at all events, that he has no particular enthusiasm for "the palladium of British liberty," the first thing is to ask him if he has anything to say why he should not be convicted, or why an order should not be made against him. If he has nothing to say for himself (though, it may be remarked, a plea of guilty ought to be taken with great caution, and only after carefully explaining the effect and meaning of the charge), the magistrates will at once convict or make the order. If, instead of confessing it, the defendant denies the truth of the charge or the accuracy of the claim made against him, the magistrates will hear what the witnesses have to say on the matter. As the procedure, subject to a few exceptions which will be dealt with presently, is precisely the same as that which exists in the superior courts, it is unnecessary to say anything about it here. The reader is referred to "Shirley's Sketch of the Criminal Law," and similar works of an institutional character.

Although legal advocates are allowed on both sides, they have not quite the same powers as in the superior courts. Thus, they may not reply, or sum up evidence. And it is said that, as re-examination is not expressly

(*h*) 42 & 43 Vict. c. 49, s. 17.

mentioned in the Act, it can be objected to; but the objection is seldom taken. And when the defendant has called witnesses, the prosecution can recall witnesses, or put fresh ones into the box, to contradict what the defendant's witnesses have said.

The defendant in the witness-box.—It often becomes a difficult question for the court to decide whether or not the defendant can go into the witness-box and give evidence. This (apart from statutory provision on the subject) depends on whether or not the proceedings are of a *criminal* nature. If they are not, he is a competent witness. The man who has seduced a woman has done something very wicked and immoral. But he has done nothing that the law considers *criminal.* And therefore when the girl comes before the magistrates, and asks them to make him pay her half-a-crown a week for the keep of the child, he may (if he likes to run the risk of a prosecution for perjury) walk into the witness-box and swear that he never saw the woman in his life before. And it may be said generally that whenever a case cannot result in *a conviction,* but only (if not dismissed altogether) in *an order* for the payment of money, the defendant may be a witness. But even in some cases which partake distinctly of a criminal nature, the defendant is by statute a competent witness. For instance, in all cases of summary convictions under the Licensing Act, 1872, not only the defendant, but his wife, too, can give evidence (*i*). On the other hand—apart from statutory provision—however trumpery may be the charge, if it

(*i*) 35 & 36 Vict. c. 94, s. 51, s.-s. 4.

partakes in the slightest degree of a criminal nature, the defendant is incompetent. "We are not to be guided," said the court in a case where the difficulty arose (*k*), "by the estimate we may form of the moral guilt of a person charged with the offence, but we are to see how it has been treated by the Legislature." And so the conviction of a defendant for perjury on an *information for keeping a dog without a license* has been quashed on the ground that he was not a competent witness (*l*).

Having heard what both sides have to say, the magistrates will make their decision.

The decision.—In a criminal case, the benefit of the doubt should be allowed to the defendant, just as it would be if he were being tried by a jury. The case is decided according to the view of the majority; and, if there is an equal division, there will be an adjournment to another day, when the matter will be reheard from the beginning. When the charge is of a criminal nature, no magistrate is entitled to vote who has not been present during the whole of the hearing. If the Bench think the charge has not been made out they will dismiss the case, and, on request being made for it, give the defendant a certificate of dismissal, which will prevent any future vexation in respect of the same transaction.

There are exceptions, however, to this rule. In a bastardy case, for instance, the mother may sometimes take out a fresh summons, and have the case tried over again. And whenever an information or complaint has

(*k*) *Cattell* v. *Ireson*, 27 L. J., M. C., 167.
(*l*) *R.* v. *Sullivan*, 8 Irish Reports, 404.

been dismissed for want of form, or from a mistaken view of jurisdiction, and without any decision on the merits, there is no estoppel. In the very recent case of *Reg.* v. *Hutchings* (*m*) the local authority came before a court of summary jurisdiction to recover from the defendant, as the owner of premises abutting, the expenses of sewering a street. The defendant pleaded in answer to this claim that a similar application had some years before been made to a similar court, and that the magistrates had decided that he was not liable, *as the street was a highway repairable by the inhabitants at large.* It was held that this previous decision worked no estoppel, as the magistrates had gone beyond their jurisdiction.

The conviction.—If, on the other hand, they decide to convict, they make a formal minute of the conviction, which is afterwards lodged with the clerk of the peace. Great care is required in drawing up the conviction, so that it shall distinctly set forth an offence known to the law. If the magistrates draw up a bad conviction (*e.g.* leaving out the word "knowingly" when it ought to have been inserted), and file it among the records of the county, they cannot correct their mistake and substitute a fresh conviction in order to prevent its being quashed (*n*). The defendant is entitled to a copy of the conviction, but the magistrates are not bound by the copy they give him.

Costs.—Reasonable costs (which must be specified in the conviction, or order, or order of dismissal) may be

(*m*) 6 Q. B. D. 300.
(*n*) *Ex parte Austin*, 50 L. J., M. C. 8.

ordered to be paid by the unsuccessful to the successful party. But the Act of 1879 says that when the fine does not exceed 5*s.*, "then, except so far as the court may think fit to expressly order otherwise, an order shall not be made for payment by the defendant to the informant of any costs" (*o*). Costs are recoverable by distress; and sometimes, if there is no distress, by a month's imprisonment.

Punishment.—Considerable latitude is allowed to magistrates in cases in which they convict as to the punishment they will inflict. They may generally choose between sending the defendant to prison without the option of a fine, and fining him with the alternative of going to prison in default of payment. The Legislature has carefully provided that in those cases in which they sentence to imprisonment in default of payment of the fine, the period of imprisonment shall bear some proportion to the fine (*p*). Thus, if the sum does not exceed 10*s.*, the defendant cannot be sent to prison for more than seven days. If it is 20*s.* or less, fourteen days is the maximum; and so on. The imprisonment can only be with hard labour when specially authorised by the statute under which the proceedings are taken (*q*). The magistrates need not require all the money to be paid down. They may allow time for its payment, or allow it to be paid by instalments, or may take a security (*r*). In the event of a fine not being paid, a warrant of distress can be issued for seizure of

(*o*) 42 & 43 Vict. c. 49, s. 8.
(*p*) 42 & 43 Vict. c. 49, s. 5.
(*q*) 42 & 43 Vict. c. 49, s. 5.
(*r*) 42 & 43 Vict. c. 49, s. 7.

the defendant's goods. Such a warrant must be executed under the personal superintendence of a police constable; the distress must be sold by public auction not less than five clear days after the taking; a written account of the costs and charges incurred in respect of the execution of the warrant must be sent to the clerk of the court; the overplus must be returned to the defendant; and various other conditions must be complied with (*s*). It sometimes happens that, though the offence charged against the defendant was undoubtedly committed, it was, having regard to all the circumstances, of so trifling a nature that it is not desirable or expedient to visit him with any punishment, or even with the stigma of a conviction. In such a case—

"(1.) The court, without proceeding to conviction, may dismiss the information, and, if the court think fit, may order the person charged to pay such damages, not exceeding forty shillings, and such costs of the proceeding, or either of them, as the court think reasonable; *or*,—

"(2.) The court, upon convicting the person charged, may discharge him conditionally on his giving security, with or without sureties, to appear for sentence when called upon, or to be of good behaviour, and either without payment of damages and costs, or subject to the payment of such damages and costs, or either of them, as the court think reasonable:—

"Provided that this section shall not apply to an

(*s*) 42 & 43 Vict. c. 49, s. 43.

adult convicted in pursuance of this Act of an offence of which he has pleaded guilty, and of which he could not, if he had not pleaded guilty, be convicted by a court of summary jurisdiction" (*t*).

Two sections of the Summary Jurisdiction Act, 1879 (42 & 43 Vict. c. 49), restrain the punishing power of magistrates in important particulars. The 15th section says that a child under twelve shall not be sent to prison for longer than a month, nor be fined more than 40*s*. The 18th section says that when a number of assaults have been committed on the same occasion (*i.e.* on different persons) the total amount of imprisonment for all the assaults shall not exceed six months.

Enforcement of orders.—Orders, as has already been pointed out, are quite different from convictions. The payment of money due under an order can only be enforced by imprisonment when the defendant has the means of paying but obstinately refuses to do so; "and in any such case the court shall have the same power of imprisonment as a county court would for the time being have under the Debtors Act, 1869, for default of payment if such debt had been recovered in that court, but shall not have any greater power" (*u*). Bastardy orders, however, stand on a different footing from other orders, and can be enforced like convictions (*x*). And if the order be not to pay money,

(*t*) 42 & 43 Vict. c. 49, s. 16. The proviso refers to the indictable offences specified in the first column of the first schedule to the Act, *i.e.* the offences where the value of the property is greater than 40*s*.
(*u*) 42 & 43 Vict. c. 49, s. 35.
(*x*) 42 & 43 Vict. c. 49, s. 54.

but to do or abstain from doing something, obedience may be compelled by imprisonment (*y*).

Claim of right.—When in the course of the hearing of an information it appears that the act charged against the defendant was committed by him in the assertion of a *bonâ fide* claim of right, the justices must hold their hands, and refrain from deciding the case. Their jurisdiction is *ousted*. But it is necessary to this ouster of jurisdiction, not only that the defendant should really have believed in his right, but also that his belief should have been a *reasonable* belief. And if the right claimed could have no existence in law, a belief in such a right is unreasonable, and it does not matter a straw how sincerely it may have been entertained. A defendant, for instance, who claimed *as a member of the public* the right to fish in a non-navigable river would not succeed in ousting the jurisdiction of the magistrates (*z*). It is to be observed, moreover, that the magistrates are not to be frightened off by the mere mention of the word right. They must satisfy themselves that the claim is a genuine and substantial one, and not merely colourable and obstructive. But, on the other hand, it is not their business to inquire whether the claim is likely to be ultimately supported. So, again, in cases where jurisdiction has been expressly given them by statute to decide questions of title, no such objection will prevail.

It is in cases of assault and trespass that this claim

(*y*) 42 & 43 Vict. c. 49, s. 34.
(*z*) *Hargreaves* v. *Diddams*, L. R. 10 Q. B. 582.

of right is most frequently put forward. The Act of Parliament which empowers magistrates to deal summarily with common assault cases expressly provides that "nothing herein contained shall authorise any justices to hear and determine any case of assault or battery in which any question shall arise as to the title to any lands, tenements, or hereditaments, or any interest therein, or accruing therefrom, or as to any bankruptcy or insolvency or any execution under the process of any court of justice" (*a*). On this section it has been held that there cannot be a conviction even where the defendant has used more violence than was necessary (*b*). "The words of the section," said the court, "are very large, and comprise every case of assault and battery in which the title to land comes into question. In all these cases the power to decide *summarily* is ousted." But if an assault case can be decided without deciding a question of an interest in land, the magisterial jurisdiction remains. In a very recent case some gamekeepers in Dorsetshire were charged before the magistrates with assaulting a person in order to take some rabbits away from him. The person assaulted was the tenant of a farm, and had killed the rabbits on the land he occupied. The gamekeepers were servants of the landlord, and acted under a *bonâ fide* belief that they had a right to do the acts complained of. But it was held that this was not sufficient to oust the magistrates' jurisdiction, as no title to any *land* was in dispute (*c*).

(*a*) 24 & 25 Vict. c. 100, s. 46.
(*b*) *Reg.* v. *Pearson*, 39 L. J., M. C. 76.
(*c*) *White* v. *Fox*, 49 L. J., M. C. 60.

The Malicious Injuries to Property Act (24 & 25 Vict. c. 97) contains a similar proviso:—

"Provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but that every such trespass shall be punishable in the same manner as if this Act had not passed" (*d*).

A rather interesting point on the construction of this section came lately under the notice of the author. Some members of a Sheffield angling club had taken tickets from a publican purporting to give them the right to fish in the Wheatley Ponds, near Doncaster, and, in crossing a field to get there one Sunday in 1880, they were said to have damaged the hay by walking over it and (according to the evidence of the prosecution) taking wisps of it to sit upon. These men were convicted before the magistrates, although there was very little doubt about their right to fish in the ponds, or the necessity of walking over the hay, and necessarily damaging it, to get to them, and although they strenuously maintained that the jurisdiction of the magistrates was ousted. The magistrates even refused to state a case on the point, and Pollock, B., at chambers, during the Long Vacation, refused to compel them to do so, on the ground that their decision on facts cannot be reviewed in this way, and that

(*d*) s. 52.

they must be taken to have found as a fact that the defendants inflicted "wilful and malicious" damage.

Adjournments.—The magistrates may in their discretion adjourn the hearing of a case "to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or their respective attornies or agents then present," ordering the defendant to be detained in custody in the meantime, or allowing him to go at large, according to whether they can trust him to reappear when wanted, or not (*e*). A frequent ground of application for an adjournment is that the defendant may have time to procure the assistance of a lawyer. This is generally a reasonable enough application; but the court is not bound to accede to it, even though the defendant may have had no opportunity of getting professional help, and though Jervis's Act expressly allows him to have it (*f*). The Summary Jurisdiction Act, 1879, provides that "a court of summary jurisdiction, when not a petty sessional court, may, without prejudice to any other power of adjournment which the court may possess, adjourn the hearing of any case to the next practicable sitting of a petty sessional court" (*g*).

There is no definite limit as to the time for which the magistrates may adjourn a case. But it is not usual to adjourn for longer than eight days, and, indeed, if the adjournment were for an unreasonable length of time an action might be maintained (*h*).

(*e*) 11 & 12 Vict. c. 43, s. 16.
(*f*) *R.* v. *Biggins*, 5 L. T., N. S. 605.
(*g*) s. 20.
(*h*) *Davis* v. *Capper*, 10 B. & C. 28.

Compromises.—When an information has once been laid, even in a case arising out of a transaction for which the informant might have brought an action for damages, the jurisdiction of the magistrates cannot be taken away by any agreement between the parties (*i*). The assent of the Bench should always be obtained when proceedings once commenced are desired to be settled. The consent of the defendant, too, is necessary to such a course, for he may prefer the adjudication and certificate of dismissal to a settlement out of doors. On the other hand, the court has no power to compel the parties to settle their dispute. If they insist on having it tried, tried it must be. The leading case on compromises is *Keir* v. *Leeman* (*k*), which arose out of a riot in impeding the execution of a writ of *fi. fa.* The plaintiff indicted those guilty of it at the Yorkshire Summer Assizes, 1842, and then, in consideration of certain promises made to him by the defendant, withdrew from the case. In that case it was said by Tindal, C. J.: "We have no doubt that in all offences which involve damages to an injured party for which he may maintain an action it is competent for him, notwithstanding they are also of a public nature, to compromise or settle his private damage in any way he may think fit. It is said, indeed, that in the case of an assault he may also undertake not to prosecute on behalf of the public. It may be so; but we are not disposed to extend this

(*i*) *Reg.* v. *JJ. of Wiltshire*, 8 L. T., N. S. 242.
(*k*) 9 Q. B. 371; and see the recent case of *Whitmore* v. *Farley*, W. N, May 21st, 1881.

any further. In the case before us the offence is an assault coupled with *a riot*, and the obstruction of a public officer. No case has said that it is lawful to compromise such an offence." These remarks, of course, will be understood to refer only to arrangements effected before the issuing of the summons, or with the consent of the court.

Contempt of court.—The magistrates have no power to commit for contempt of court (*l*), but persons misbehaving themselves may be turned out of court. It may be observed here that it is frequently ordered at the beginning of a case that all witnesses shall leave the court. If a witness disobeys this order, his testimony ought, it seems, nevertheless to be received, though it will, of course, be of much less value. In one case, however, the Queen's Bench refused to order justices to re-hear a case in which they had rejected a witness who, although ordered to retire, remained in court (*m*).

Indictable Offences.

The practice relating to persons charged before the magistrates with having committed indictable offences is governed by 11 & 12 Vict. c. 42; a statute which is often familiarly called "the first of Jervis's Acts." In such cases the magistrates are not acting so much

(*l*) See *Willis* v. *Maclachlan*, 45 L. J. 689. Sir Frederick Pollock and Sir William Follett, as Law Officers of the Crown, distinctly gave their opinion that magistrates cannot commit for contempt.

(*m*) *Ex parte Wright*, 39 J. P. 85.

judicially as *ministerially;* their business being not to try the accused, but to consider whether he ought to be tried. There are, however, some specified indictable offences which, under certain conditions, may be disposed of summarily; and with these it will be necessary to deal hereafter.

Information and summons.—The proceedings are commenced, and the attendance of the accused is secured, much in the same way as when the charge is one over which the magistrates have summary jurisdiction. A magistrate issues his summons or warrant on the information of some person having knowledge of the facts. The information, however, in an indictable offence case may contain several distinct charges; and it is not usual, even where there is no danger of the accused absconding, to commence with so polite an invitation to court as a summons. A warrant is nearly always issued in the first instance. Another difference is that when the charge is of an indictable offence, the warrant may be issued and executed on Sundays (*n*).

Jurisdiction.—The greater number of indictable offences coming before a court of summary jurisdiction will naturally be such as are alleged to have been committed within the district, whether borough or division of a county. But it often happens that a person who has committed an indictable offence in district A. is residing in district B. In such a case the proper course is to bring him up before the B. justices, who will hear the evidence in the usual way, and, if necessary, commit him for trial in the A. district. But

(*n*) 11 & 12 Vict. c. 42, s. 4, and see *Rawlins* v. *Ellis*, 16 M. & W. 172.

if they consider the prosecution have not made out a *primâ facie* case, they are nevertheless not entitled to discharge the accused. They are in that case bound to send him into district A., that the A. justices may have the opportunity of committing him for trial, if they think proper (*o*). Another case in which magistrates have jurisdiction over indictable offences not committed within their district is when a crime has been committed on the high seas, or in one of the colonies, or in a foreign port.

The Examination.—One magistrate is sufficient for this preliminary inquiry. The place in which he sits need not be an open court, and (though it is the universal practice to allow it) the accused cannot claim of right the assistance of an advocate.

When the accused has appeared (and the proceedings cannot be conducted in his absence), the evidence of the witnesses for the prosecution is taken in the usual way (with liberty to the accused to cross-examine), and written down. These depositions, as their statements so reduced into writing are called, are to be afterwards read over to the witnesses, and signed by them and by the magistrate. When all the evidence for the prosecution has been given, the court will consider whether there is anything that the accused can be called upon to answer. If not, he will be discharged at once. If, however, the magistrates think a *primâ facie* case has been made out, they will have the depositions read to the defendant, and then say to him something of this kind :—"*Having heard the evidence,*

(*o*) 11 & 12 Vict. c. 42, s. 22.

do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in evidence against you upon your trial." They are also to tell him that he has nothing to hope from any promise of favour, and nothing to fear from any threat, that may have been held out to induce him to confess. After these cautions have been given, anything the defendant may say is written down, read over to him, and signed by the magistrate. Such a statement is attached to the depositions, and may be utilised afterwards at the trial by counsel for the Crown saying, when all his witnesses have been examined, "I put in the prisoner's statement." It will then be read to the jury by the clerk of the court. It may, of course, be that, so far from helping the prosecution, the prisoner's statement is the plain, unvarnished tale of an innocent man, or the plausible lie of a calculating knave. And as the modern view of criminal practice allows a prisoner, though defended by counsel, to address the jury, as well as his counsel, the ground of fairness to the prisoner on which it used to be said that counsel for the prosecution ought always to put in the prisoner's statement, whether it told for or against him, is now removed.

The next duty of the court is to ask the defendant if he has any witnesses to call. Such witnesses as he may call may, after being examined, be bound over to appear at the trial, and will then have their expenses allowed. It may be remarked however, in passing,

that it is not always the wisest policy for a defendant to call his witnesses, though he has them ready. If the magistrates have made up their minds to commit (and they will readily give an intimation of this), it will often be desirable to reserve the defence for the trial. For this reason it is sometimes very unfair of the prosecuting counsel at the trial to cross-examine the prisoner's witnesses as to why they did not give evidence before the magistrates, as if their not having done so were a conclusive proof of their perjury.

The truth of a libel.—There are certain defences which cannot avail the defendant at the preliminary examination before the magistrates, *e.g.* insanity, or the truth of a libel. The latter defence is important enough to deserve a word of particular notice. The punishment that can be inflicted under Lord Campbell's Act (6 & 7 Vict. c. 96) for the crime of libel is less severe when the defendant is convicted (under section 5) of merely publishing the defamatory libel, than when he is shown (under section 4) to have published it *with the knowledge that it was false.* And if on a preliminary investigation before the magistrates the accused stands charged with the former and less serious offence, the evidence then received must be confined to the establishment of three propositions:—1st, that the matter complained of is libellous; 2ndly, that the prosecutor is the person referred to in the alleged libel; and 3rdly, that the publication of it has been brought home to the defendant. If the magistrates are satisfied that each of these propositions is proved, they are bound to send the case for trial, and any

defence founded on the truth of the libel does not arise at this stage, and cannot be put before them. Lord Campbell's Act certainly enables the accused to prove the truth of the libel, but not until the statutory conditions have been complied with, and they cannot be complied with at this stage of the inquiry. In one well-known case a defendant who had undoubtedly committed moral perjury of a gross and deliberate kind, in denying before the magistrates the truth of a libel for which he was prosecuting, was fortunate enough to be acquitted simply on the ground that the magistrates had no power to go into that part of the case, and that therefore the defendant's evidence was "immaterial" (*p*). If, however, a man is charged (under section 4) with publishing a libel *knowing it to be false,* he may, it seems, offer evidence before the magistrates to show the truth of his libel in contradiction of the charge that he knew it to be false (*q*). The evidence would be admissible to reduce the offence charged to the minor offence. But such evidence at that period would be of no practical use, for a count might afterwards be added to the indictment containing the more serious charge.

Magistrates' duty as to commitment.—When all the evidence on both sides has been taken, the magistrates have to decide whether or not they will commit the accused for trial. What is their exact duty on this point? Section 25 of 11 & 12 Vict. c. 42 points it

(*p*) *Reg.* v. *Townsend*, 4 F. & F. 1089.
(*q*) *Reg.* v. *Carden*, 5 Q. B. D. 13, and see *Ex parte Ellissen*, Folkard on Libel and Slander, 4th ed. p. 592.

out. They are to commit "if in the opinion of such justice or justices such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence raise a strong or probable presumption of the guilt of such accused party." It will be noticed that the word connecting the two sentences is not "and" but "or." Moreover, the section says that the only case in which the magistrate is *not* to commit is if he thinks the evidence "not sufficient to put such accused party upon his trial for any indictable offence." Ignorant and high-handed magistrates sometimes discharge a defendant on the ground that "no jury would convict." They have no business whatever to do this. The question which ought to be in the magistrate's mind, when he hesitates about commitment, is not whether a jury would be likely to convict, but whether the charge is sufficiently supported by evidence as to render a further and more searching investigation (in the interests not only of the public, which does not like hole and corner inquiries, but of the accused himself, who must be presumed to wish to get a false charge finally disposed of by the verdict of a jury) desirable. When there is a doubt in the case, it must go in favour of committal, not in favour of discharge. Even the Grand Jury, which stands between the committal and the trial, are only required to consider whether there is a *primâ facie* case against the prisoner. Much less evidence, therefore, is required to satisfy a magistrate of the desirability of sending an accused person before the Grand Jury. It is scarcely necessary to say that no honest magistrate

will allow the *expense* of a committal to influence his mind. Justice, and the faithful administration of the law, are above price. The country—and a Liberal Government, too—spent £100,000 in prosecuting the claimant. Who will dare to say the money was wasted?

If there is more than one magistrate on the Bench, the question of committal is decided according to the view of the majority. In the case of an equal division, there will be an adjournment.

Where to Commit to.—Having decided to commit, the next question is, where to? There are certain specified indictable offences (murders, manslaughters, perjuries, forgeries, rapes, bigamies, burglaries, abductions, concealments of birth, &c.; see 5 & 6 Vict. c. 38) which the Quarter Sessions have not jurisdiction to try. In such cases, of course, there will be no difficulty. The committal can only be to the Assizes. The Quarter Sessions can try larcenies, embezzlements, indecent assaults, and most of the lighter indictable offences; and, as a general rule, a case which is capable of being tried at the Quarter Sessions ought to be sent there. A judge is in the habit of expressing himself in strong terms when, on coming to an Assize town, and looking through the Calendar, he finds that he is expected to try an ordinary case of picking pockets or attempted rape. But when a Sessions case happens to present points of unusual complication and difficulty, or when the prisoner would otherwise have to spend some months in gaol, or for any other good reason, it is quite right to commit to the Assizes, and leave the

judge (as the author has known Lopes, J. do with a case of attempted bestiality) to send it to the Quarter Sessions, if he chooses.

The magistrates will, of course, commit, when they commit to the Quarter Sessions at all, to the Quarter Sessions of their district; county magistrates to the County Quarter Sessions; borough magistrates (if the town has one) to the borough Quarter Sessions.

Binding Over.—The next thing is to bind over the prosecutor and witnesses to appear and give evidence (*r*). It is not a point of any importance who is bound over to prosecute. Usually it is the injured person, but sometimes it is simply a police constable who has no interest in the case whatever. The witnesses enter into recognizances to appear and give evidence at the trial, and, if a witness refused to be bound, he might be committed to prison till then. The prosecutor himself, as prosecutor, cannot be compelled to be bound over to prosecute; but he may be treated as a witness, and his presence secured in that way. Infants and married women may be bound over. But a person who cannot be a witness (*e.g.* the real wife in a bigamy case) ought not to be bound over, as he will have some difficulty in getting his expenses allowed.

Bail.—In most cases the magistrates may exercise their discretion as to whether they will keep the accused in prison till the trial or let him out on bail. They cannot, however, grant bail when the charge is treason; nor do they in practice when it is murder.

(*r*) 11 & 12 Vict. c. 42, s. 20.

But "where any person shall appear or be brought before a justice of the peace charged with any felony, or with any assault with intent to commit any felony, or with obtaining or attempting to obtain property by false pretences, or with a misdemeanour in receiving property stolen or obtained by false pretences, or with perjury, or subornation of perjury, or with concealing the birth of a child by secret burying or otherwise, or with wilful or indecent exposure of the person, or with riot, or with assault in pursuance of a conspiracy to raise wages, or assault upon a peace officer in the execution of his duty, or upon any person acting in his aid, or with neglect or breach of duty as a peace officer, or with any misdemeanour for the prosecution of which the costs may be allowed out of the county rate" (*s*), the justices may bail or not as they please. In all misdemeanours not included in the above list the accused has a right to be admitted to bail, and the justices cannot refuse it. It is for the justices to decide with what amount of bail they will be satisfied; taking care, however, that it is not excessive. The great point to be kept in view is the likelihood of the accused turning up to be tried. One surety may be taken as sufficient, and it is not absolutely necessary, though desirable, that the sureties should be householders. Personal recognisances are also taken from the accused himself. Persons put forward as sureties may be cross-examined as to their means. Sureties for a person committed for trial (unlike sureties for

(*s*) 11 & 12 Vict. c. 42, s. 23.

the peace or for good behaviour) may surrender their principal and discharge themselves of their obligation. An accused person may be admitted to bail after his commitment.

Unwilling Witnesses.—The same power, with two differences, of compelling the attendance of persons reluctant to give evidence exists as when the case is one in which the magistrates have summary jurisdiction (*t*). The two differences are, 1st, that in the case of an indictable offence only witnesses *for the prosecution* can be brought up, and 2ndly, in the same case, there is no power of compelling the attendance of persons out of the jurisdiction. The summons, however, of a London police magistrate can be served anywhere. In other cases, when a witness's attendance is desired to be compelled, a Crown Office subpœna must be obtained. If a witness on appearing refuses to be examined, he may be sent to prison for seven days, or till he consents to give evidence.

Remands (*u*).—The court may at any time during the inquiry remand the defendant for not longer than eight days. When the time of the remand does not exceed three days, a verbal order to a constable or other person to keep the defendant safely is sufficient. When it exceeds three days, the order must be by warrant under the magistrate's hand and seal. The magistrates, however, are not bound to commit the defendant to prison in the meantime. They may discharge him on his entering into recognisances, with or

(*t*) 11 & 12 Vict. c. 42, s. 16, and see p. 21.
(*u*) 11 & 12 Vict. c. 42, s. 21.

without sureties, to appear at the time and place fixed for continuing the hearing.

Vexatious Indictments Act.—It is to be observed, in concluding this branch of the subject, that, though it is the regular and proper course for a man charged with an indictable offence to be brought before a magistrate and undergo this preliminary examination, it is not in all cases absolutely necessary. With the exceptions to be specified in a moment, a prosecutor may go straight to the Grand Jury, and ask them to find a true bill against the accused, who would then (as there would be no depositions) know nothing about the charge or the evidence till he came to be tried. This being obviously a very unsatisfactory course of proceeding, a partial remedy has been introduced by statute. It is provided by 22 & 23 Vict. c. 17 (An Act to prevent Vexatious Indictments for certain Misdemeanours) that no bill of indictment for

Perjury or subornation of perjury,
Conspiracy,
Obtaining goods or money by false pretences,
Keeping a gambling or a disorderly house, or for an
Indecent Assault (*x*)

shall be sent up to or found by the Grand Jury unless certain specified steps for the security of innocence (one of which is an inquiry before the magistrates) have been taken. "This Act, however (it has been subsequently provided) (*y*), does not prevent the sending

(*x*) To this list has since been added by the Debtors Act, 1869, any misdemeanour under the second part of that Act.
(*y*) 30 & 31 Vict. c. 35.

up to the Grand Jury a count containing a charge which was substantially, though not in form, gone into before the magistrates, and which may lawfully be joined with the other counts in the indictment. And with the consent of the court any bill of indictment may be sent up to the Grand Jury. When a person is charged with having committed any of these offences, and the justices refuse to commit or bail the person charged, they may be required to take the prosecutor's recognizances to prosecute his complaint, and the trial subsequently takes place as though there had been a committal in ordinary form, but, it may be added, in such a case the prosecutor may in the event of an acquittal be ordered to pay the defendant's costs" (*z*).

Indictable Offences dealt with Summarily.

As has already been intimated, there are certain cases in which magistrates are empowered to deal summarily with indictable offences. These cases we will now proceed to consider.

Children.—A child under the age of seven is absolutely incapable of crime, and ought not even to be arrested. Between the ages of seven and fourteen a child is presumed to be incapable of crime, but the law allows the presumption to be rebutted by evidence of its being of a precociously bad disposition, and

(*z*) Shirley's Criminal Law, p. 86.

perfectly well able to understand the guilt of the particular conduct charged against it. In a recent case at the Winchester Assizes, where a little boy of eleven was tried for manslaughter (the magistrates had committed for murder, but the Grand Jury threw out the bill), Mr. Justice Denman allowed the prosecution to put the prisoner's schoolmaster into the box to prove his *capacitas doli* (*a*).

When a child apparently between the ages of seven and twelve is brought before a Court of Summary Jurisdiction charged with any indictable offence other than murder or manslaughter, the court may, on one condition, deal summarily with the case (*b*). The "one condition" is that the child's parent or guardian shall consent to that course. But supposing no parent or guardian is present? In that case the court may deal summarily with the case without anybody's consent being necessary. The better course, however, under

(*a*) *Reg.* v. *Clark*, not reported except in "The Times." The following extract is from a special report of this interesting case:—

"William Robert Foord, schoolmaster at Steep, stated that the prisoner had attended his school for six or eight months. Mr. Temple-Cooke asked whether the prisoner would be likely to know that he was doing a wrong act in stabbing another boy. Mr. Matthews thought such a question very unusual, the jury being generally left to judge whether a prisoner was of intelligence sufficient to understand the nature of his actions. Mr. Temple-Cooke replied that the prosecution was obliged to give specific evidence of the prisoner's intelligence. The Judge regarded the point as novel. In reply to the Judge, the witness stated that the prisoner was in the second standard, which was below the average of proficiency for a boy of his age. Subject to the objection of Mr. Matthews, the question was put thus:—Would the prisoner be likely to know that the use of a knife on another boy would do mischief? Witness: I cannot say he would know that it would kill him. On the question being repeated, witness replied in the affirmative. By Mr. Matthews: The boy was of excellent character. His Lordship: As a schoolboy? Witness: He behaved well in school, and I have not heard any complaints of him out of doors. His Lordship: Inoffensive? Witness: I should think so."

(*b*) 42 & 43 Vict. c. 49, s. 10.

such circumstances, would be to remand the child, and give notice to the parent or guardian to come next time. It is to be observed that the views and wishes of the child itself are not consulted in the matter, as it can scarcely be expected to have formed very clear notions as to the conflicting merits of summary jurisdiction and trial by jury.

Dealing summarily with indictable offences committed by children under twelve, the magistrates have not very extensive powers of punishment. They cannot send a child to prison for longer than a month, nor can they inflict a heavier fine than 40*s*. But, unless there is some special reason to the contrary, they may send it to a reformatory or industrial school (*c*). And they may order a *male* child, in addition to, or in substitution for, any other punishment, to receive six strokes from a birch rod wielded by a constable, a police officer of higher rank than a constable,—and the parent or guardian, too, if he wishes it,—being present to witness the operation.

Young Persons.—When a person who in the opinion of the court is between the ages of twelve and sixteen is brought up charged with one of a specified list of indictable offences (*d*), *e.g.*, simple larceny, receiving stolen goods, or embezzlement ("any indictable offence specified in the 1st column of the 1st schedule" to the 1879 Act,—the *heavier* list, in fact), the court may, with the young person's own consent, deal summarily with the case (*e*).

(*c*) See p. 74.
(*d*) See p. 56.
(*e*) 42 & 43 Vict. c. 49, s. 11.

So dealing with it, however, they cannot fine the defendant more than £10, nor send him to prison for longer than three months; so that really bad boys and cases ought always to be sent for trial. A young person who is a male, and apparently under fourteen, may make the acquaintance of a birch rod to the extent of twelve strokes. The right of the court to send a young person to a reformatory or an industrial school is not to be prejudiced by any of the provisions limiting the justices' power of punishment.

Adults are those persons who, in the opinion of the court, are over sixteen years of age.

Two distinct cases have here to be considered, *viz.*:—

(1.) *Adults consenting*, and

(2.) *Adults pleading guilty.*

(1.) *Adults consenting.*

When an adult is brought up charged with one of a specified list of indictable offences, *e.g.*, simple larceny where the value is below 40*s.*, receiving stolen goods where the value is below 40*s.*, or embezzlement where the value is below 40*s.* ("any indictable offence specified in the 2nd column of the 1st schedule" to the 1879 Act,—the lighter list, in fact), the court may, with the adult's consent, deal summarily with the case (*f*). If, however, they convict, they cannot send the defendant to prison for longer than three months, nor inflict a greater fine than £20.

Adults pleading guilty (*g*).

When an adult is brought up charged with one of

(*f*) 42 & 43 Vict. c. 49, s. 12.
(*g*) 42 & 43 Vict. c. 49, s. 13.

the heavier list of indictable offences ("any indictable offence specified in the 1st column of the 1st schedule" to the Act of 1879), the court may, if the defendant pleads guilty, convict him, and send him to prison for any term not exceeding six months. If, however, the defendant insists on his innocence, he must (unless there is no evidence against him at all) go for trial, for it is only his pleading guilty that gives the justices jurisdiction over the case.

This important limitation on the power of magistrates to deal summarily with indictable offences charged against adults must be borne in mind. When the person charged has been previously convicted by a jury, so that if convicted again by a jury he would be liable to be sent into penal servitude, the magistrates must stay their hands, and (unless there is no evidence against him at all) are bound to commit for trial, although the indictable offence charged is within the specified list, and the accused is ready enough to plead guilty, or consent to anything, rather than run the risk of years of incarceration (*h*). And it may be remarked that, if the bench are aware that there is, as a matter of fact, such a previous conviction, they are not entitled to shut their eyes to it and deal summarily with the case on the ground that it has not been strictly proved.

It may be thought somewhat strange that *False Pretences* is not one of the specified indictable offences with which magistrates may, under the conditions, deal summarily. This being so, however, in every

(*h*) 42 & 43 Vict. c. 49, s. 14.

False Pretences case, where there is sufficient evidence, there must be a committal; and it is very irregular, to say the least of it, for the magistrates to treat such a case, when the line is very fine, as a larceny case, and so assume a jurisdiction which they otherwise would not have. So, when a woman comes into court and charges the defendant with having indecently assaulted her, the justices are going outside their province in thinking that, though what the prosecutrix says is quite true, the general justice of the case will be met by convicting the defendant of a common assault, and sending him to prison for a month. They have nothing to do with the general justice of the case, but are required to administer the law as they find it written. *Optima est lex quae minimum relinquit arbitrio judicis, optimus judex qui minimum sibi.* It is with great regret that the writer feels it necessary to pass strictures of this kind on the conduct of some of the unpaid magistrates. But he is well aware how apt an unscrupulous justice is to magnify his office, and to arrogate to himself power with which the Legislature has never entrusted him. In many cases, however, such conduct is merely the result of thoughtlessness or ignorance, and therefore it is right and proper that a text-writer should point out the wrongfulness of it.

It is to be observed that no indictable offence can be dealt with summarily except by a petty sessional court (*i.e.*, a court of summary jurisdiction consisting of two or more magistrates when sitting in a petty sessional court-house) sitting on some day appointed for hearing

indictable offences. The procedure, till the court assumes the power to deal summarily with the case, is just as if they had no other intention than that of committing for trial. But at any time during the hearing that they make up their minds that it is desirable to deal with the case summarily they may stop the proceedings, and ask the defendant which of the two courses he prefers. They must not snatch his consent. On the contrary, they are bound most carefully to explain to him the difference between summary jurisdiction and trial by jury. Directly the necessary consent is obtained, and the court have power to deal summarily with the case, "the procedure shall be the same from and after that period as if the offence were an offence punishable on summary conviction and not on indictment." The evidence already taken need not be taken again, but any witness may be recalled by the defendant for the purpose of cross-examination (*i*).

If the court does not happen to be a petty sessional court, it may adjourn the case—even though for longer than eight days—till the next sitting of a petty sessional court (*k*).

Though this does not profess to be an exhaustive treatise on the Practice of Magistrates' Courts, but only an introductory work, it is thought advisable to set out *in extenso* the First Schedule to the Summary Jurisdiction Act of 1879 (42 & 43 Vict. c. 49). It is as follows :—

(*i*) 42 & 43 Vict. c. 49, s. 27.
(*k*) 42 & 43 Vict. c. 49, s. 24.

First Schedule.

Indictable offences which can be dealt with summarily under this Act.

First Column. Young Persons consenting and Adults pleading Guilty.	Second Column. Adults consenting.
1. Simple larceny.	1. Simple larceny, where the value of the whole of the property alleged to have been stolen does not in the opinion of the court before whom the charge is brought exceed forty shillings.
2. Offences declared by any Act for the time being in force to be punishable as simple larceny.	2. Offences declared by any Act for the time being in force to be punishable as simple larceny, where the value of the whole of the property alleged to have been stolen, destroyed, injured, or otherwise dealt with by the offender does not in the opinion of the court before whom the charge is brought exceed forty shillings.
3. Larceny from or stealing from the person.	3. Larceny from or stealing from the person, where the value of the whole of the property alleged to have been stolen does not in the opinion of the court before whom the charge is brought exceed forty shillings.
4. Larceny as a clerk or servant.	4. Larceny as a clerk or servant, where the value of the whole of the property alleged to have been stolen does not in the opinion of the court before whom the charge is brought exceed forty shillings.
5. Embezzlement by a clerk or servant.	5. Embezzlement by a clerk or servant, where the value of the whole of the property alleged to have been embezzled does not in the opinion of the court before whom the charge is brought exceed forty shillings.

First Column. Young persons consenting and Adults pleading Guilty.	Second Column. Adults consenting.
6. Receiving stolen goods, that is to say, committing any of the offences relating to property specified in the ninety-first and ninety-fifth sections of the Larceny Act, 1861, (being the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six,) or in either of such sections.	6. Receiving stolen goods, that is to say, committing any of the offences relating to property specified in the ninety-first and ninety-fifth sections of the Larceny Act, 1861, (being the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six,) or in either of such sections, where the value of the whole of the property alleged to have been received does not in the opinion of the court before whom the charge is brought exceed forty shillings.
7. Aiding, abetting, counselling, or procuring the commission of simple larceny, or of an offence declared by any Act for the time being in force to be punishable as simple larceny, or of larceny or stealing from the person, or of larceny as a clerk or servant.	7. Aiding, abetting, counselling, or procuring the commission of simple larceny, or of an offence declared by any Act for the time being in force to be punishable as simple larceny, or of larceny or stealing from the person, or of larceny as a clerk or servant, where the value of the whole of the property which is the subject of the alleged offence does not in the opinion of the court before whom the charge is brought exceed forty shillings.
8. Attempt to commit simple larceny, or an offence declared by any Act for the time being in force to be punishable as simple larceny, or to commit larceny from or steal from the person, or to commit larceny as a clerk or servant.	8. Attempt to commit simple larceny, or an offence declared by any Act for the time being in force to be punishable as simple larceny, or to commit larceny from or steal from the person, or to commit larceny as a clerk or servant.

This Act shall apply to any of the following offences when alleged to have been committed by a young person in like manner as if such offence were included in the first column of the schedule; that is to say,—

(1.) To any offence in relation to railways and railway carriages mentioned in sections thirty-two and thirty-three of the Act of the session of the twenty-fourth and twenty-fifth years of the

reign of Her present Majesty, chapter one hundred, intituled "An Act to consolidate and amend the statute law of England "and Ireland relating to offences against the person;" and

(2.) To any offence relating to railways mentioned in section thirty-five of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-seven, intituled "An Act to consolidate and amend the statute "law of England and Ireland relating to malicious injuries to "property;" and

(3.) To any indictable offence, either under the Post Office Laws or prosecuted by Her Majesty's Postmaster-General; and for the purpose of this provision the expression "Post Office Laws" has the same meaning as it has in the Act of the session of the seventh year of the reign of King William the Fourth and the first year of the reign of Her present Majesty, chapter thirty-six, intituled "An Act for consolidating the laws relative "to offences against the Post Office of the United Kingdom, "and for regulating the judicial administration of the Post "Office Laws, and for explaining certain terms and expressions "employed in those laws," and the Acts amending the same.

Appeals.

There are three principal ways in which the decision of a Court of Summary Jurisdiction may be reviewed, and, if necessary, reversed, *viz.*,—

(1.) By way of case stated,

(2.) By appeal to the Quarter Sessions, and

(3.) By *certiorari.*

(1.) **Stating a Case.**—Either party considering the decision of justices on any matter within their summary jurisdictional powers (*l*) to be erroneous in point of law, or in excess of their jurisdiction, may, within three days after the objectionable decision, apply to them in writing to state and sign a case setting forth the facts

(*l*) 42 & 43 Vict. c. 49, s. 33, sub-s. 1.

and the grounds of their decision, for the opinion of the High Court of Justice. If the justices accede willingly to this application, and grant a case, the appellant must, within three days after receiving it, transmit it to the High Court, first taking care to give the other party (the respondent, as he is called) written notice of the appeal, and a copy of the case stated. The three days are counted strictly, so that if the third day happens to be Sunday, the notice should be given or the transmission made on the Saturday. Monday would be too late (*m*). But, where compliance with the statutory requirement was impossible from the closing of the offices of the court from Good Friday to the following Wednesday—the appellant having received the case from the justices on the former day, and lodged it in the Queen's Bench on the latter—it was held that the appeal could be heard (*n*). The appellant must also enter into a recognisance conditioned to prosecute his appeal without delay, to submit to the superior court's judgment, and to pay the costs awarded. This may be done any time before the case is given out by the justices (*o*).

If, however, the justices consider the application of the dissatisfied party to be merely *frivolous*, they may refuse to state a case; and they will then give the applicant a certificate of their refusal to do so. But this refusal is not final. The appellant, if he has sufficient confidence in his view of the law, may go to

(*m*) *Peacock* v. *The Queen*, 27 L. J. C. P. 224.
(*n*) *Mayer* v. *Harding*, L. R. 2 Q. B. 410.
(*o*) *Stanhope* v. *Thorsby*, L. R. 1 C. P. 423.

the High Court of Justice, with an affidavit of the facts, and ask it to *compel* the justices to state a case. There is no appeal in a criminal case from this court to the Court of Appeal (*p*).

It is to be observed that, if the appeal by way of stating a case is adopted, the appellant (1) cannot question the justices' view of the *facts*, but only of the *law;* and (2) he is taken to have abandoned any right of appeal to the Quarter Sessions which he might otherwise have had.

(2.) **Appeal to the Quarter Sessions.**—An appeal to the Quarter Sessions is not of common right, but lies only in those particular cases where it is expressly given by statute. For this reason the particular statute under which the proceedings are taken should in every instance be consulted, to ascertain, in the first place, whether there is any appeal at all, and, in the second, if so, what are the conditions of it. But the Summary Jurisdiction Act, 1879, gives the right of appeal to every person, not pleading guilty, who on conviction has been sentenced to imprisonment without the option of a fine (*q*). Of course, the benefit of this provision does not extend to a person imprisoned for not finding sureties, or the like. In the metropolitan district a defendant may appeal if the magistrate has fined him more than £3. Every Act authorising an appeal prescribes certain regulations as to the notices and recognisances which must be given or entered into. So, the 31st section of the Summary Jurisdiction Act, 1879,

(*p*) *Mellor* v. *Denham*, 5 Q. B. D. 467; and see *Reg.* v. *Fletcher*, 2 Q. B. D. 43, and *Ex parte Whitchurch*, L. J. notes of cases, May, 28th, 1881.
(*q*) 42 & 43 Vict. c. 49. s. 19.

specifies the procedure which is to be adopted in appeals under that Act. Thus, notice of the appeal, with a statement of the general grounds of it, is to be given within seven days of the decision objected to; and, within three days of his giving the notice, the appellant must enter into a recognisance. "The appeal," says the same section, "shall be made to the prescribed court of general or quarter sessions, or, if no court is prescribed, to the next practicable court of general or quarter sessions having jurisdiction in the county, borough, or place for which the said court of summary jurisdiction acted, and holden not less than fifteen days after the day on which the decision was given upon which the conviction or order was founded." If the appellant is in custody, he may be released on giving security till the event of the appeal is known. And the 32nd section of the Act of 1879 makes the conditions and regulations of the 31st section apply to all appeals under prior Acts, with the proviso that an appellant who has complied with the conditions of his particular Act need not also comply with those of the Act of 1879.

In the very recent case of *Reg.* v. *JJ. of Salop* (*r*) the effect of this 32nd section came under discussion. It was a case in which a man named Weston had been ordered by justices in petty sessions to pay the complainant £24 for the offence of concealing goods unlawfully and fraudulently removed to avoid distress for rent. The statute under which the justices made the order, 11 Geo. II. c. 19, gives an appeal to the

(*r*) 6 Q. B. D. 669.

quarter sessions, but it does not prescribe the conditions and regulations of the appeal, saying simply (sec. 5) that it shall be to the "next general or quarter sessions." It was held (in spite of 12 & 13 Vict. c. 45, s. 1, which says "fourteen clear days' notice of appeal at least shall be given, and such shall be sufficient notice, any Act . . . to the contrary notwithstanding") that the '79 Act applied, and that Weston, who had not given his notice of appeal till more than six weeks after the order, though no general or quarter sessions had intervened, was too late.

The words "immediately," "forthwith," "at once," "instantly," "directly," and the like, in reference to the time within which notice of appeal must be given, or a recognisance entered into, often cause trouble in practice. The general rule is, that such words are to be construed *strictly*, with the limitation that when the delay is only that of one or two days the appellant should have the opportunity of satisfactorily accounting for it. In a late case, in which the appellant, a publican, wished to get rid of a conviction for allowing gaming to be carried on on his premises, Cockburn, C.J. said: "The question is, whether the sessions were right in holding that the regulation in 35 & 36 Vict. c. 94, s. 52, sub-s. 3, as to entering into a recognisance '*immediately*' after notice of appeal, had not been complied with. The notice was given in due time, but the appellant did not enter into the recognisance until *four days* afterwards. Did this satisfy the words of the statute? The question is substantially one of fact. It is impossible to lay down any hard and fast

rule as to what is the meaning of the word 'immediately' in all cases. The words 'forthwith' and 'immediately' have the same meaning. They are stronger than the expression 'within a reasonable time,' and imply prompt, vigorous action, without any delay; and whether there has been such action is a question of fact, having regard to the circumstances of the particular case. Who is to decide the question? Undoubtedly the sessions, and unless we can clearly see that they have gone wrong and put some construction on the word 'immediately' which it will not bear, their decision must prevail" (*s*).

When the Act says that the appeal must be to the "next sessions," that means to the *next practicable sessions*, regard being had to the necessity of giving the notices, &c. (*t*).

The notice is sometimes required to be given *within so many "days."* The days are counted *ex*clusively of the *first* day, and *in*clusively of the *last*. When, however, the expression is "clear days," or so many days "at the least," that means so many days *intervening*.

If the statute requires that the grounds of appeal shall be stated in the notice, they must be stated fully and clearly. Half stating them, or leaving them for inference, will not do.

At any time after notice of appeal has been given (except in bastardy, excise, customs, stamps, taxes, and post-office cases) the parties, by consent and by the order of a judge, may state the facts of the case in the

(*s*) *Reg.* v. *JJ. of Berkshire*, 4 Q. B. D. 469.
(*t*) See *Reg.* v. *JJ. of Surrey*, 6 Q. B. D. 100.

form of a special case for the opinion of the High Court, and may agree that its decision shall be as final as that of the Quarter Sessions would have been (*u*).

The reader will, of course, understand that an appeal from a bench of *county magistrates* goes to the *County Quarter Sessions*, while an appeal from the *borough magistrates* of a town having a separate Quarter Sessions goes to *the Recorder*. But it may be mentioned that in such towns an appeal against a refusal to renew or transfer a license under the liquor laws is not to the Recorder, but to the County Quarter Sessions.

The trial of an appeal is important enough to deserve a separate treatment (*v*).

(3.) **Certiorari.**—The third method of reviewing the decision of a court of summary jurisdiction is by *certiorari*. When there has been an excess of jurisdiction, or an evident informality in the proceedings, the case may be removed by this writ into the Queen's Bench Division. The motion for the writ must be made within six months of the date of the conviction or order, and six days' written notice of the intention to move must be given to the magistrates. If it turns out that the writ of *certiorari* has been erroneously applied for, a writ of *procedendo* will be issued, which will make the decision of the magistrates effective and valid. *Certiorari*, it may be added, always lies unless expressly taken away by statute.

It may be convenient here to notice one or two modes of quasi-appeal from magisterial decisions.

(*u*) 12 & 13 Vict. c. 45, s. 11.
(*v*) See p. 67.

Mandamus.—When a magistrate declines to do something which he has power to do, and which he ought to do, the Queen's Bench Division may by *mandamus* compel him to do it. If the reason which deters the magistrate from acting is that he is afraid of incurring personal liability, the party who wishes him to proceed should apply to the court, not for a *mandamus*, but for a rule under the provisions of 11 & 12 Vict. c. 44, s. 5. "In all cases," says that Act, "where a justice or justices of the peace shall refuse to do any act relating to the duties of his or their office as such justice or justices, it shall be lawful for the party requiring such act to be done to apply to Her Majesty's Court of Queen's Bench, upon an affidavit of the facts, for a rule calling upon such justice or justices, and also the party to be affected by such act, to show cause why such act should not be done; and if after due service of such rule good cause shall not be shown against it, the said court may make the same absolute, with or without or upon payment of costs, as to them shall seem meet; and the said justice or justices upon being served with such rule absolute shall obey the same, and shall do the act required; and no action or proceeding whatsoever shall be commenced or prosecuted against such justice or justices for having obeyed such rule, and done such act so thereby required as aforesaid." This section, it will be understood, applies only to those cases in which justices have refused to perform the desired act because it might expose them to an action of trespass. Accordingly, in a case in which the justices had refused to hear a summons against a

person for having a board over his door stating that he was licensed to retail beer when he was not, a rule under 11 & 12 Vict. c. 44, s. 5, was refused, but a rule *nisi* for a *mandamus* granted, on the ground that the magistrates would have incurred no liability if they had proceeded (*w*). Neither *mandamus* nor rule will generally be granted when there is an appeal to the Quarter Sessions.

Habeas Corpus.—This writ lies to ascertain the legality of a person's imprisonment, and must be supported by the affidavit of the prisoner himself.

Prohibition.—Just as by *mandamus* the Queen's Bench may tell magistrates to go on, so by *prohibition* the court may tell them to stop (*x*).

Quarter Sessions.

As has been already said, the business of the Quarter Sessions is partly civil and partly criminal. Of the criminal business of Quarter Sessions it will not be necessary to speak particularly, as it is transacted in precisely the same manner as the criminal business of the Assizes. The reader should refer to the titles *Grand Jury, Indictment, Challenges, Trial*, &c., in "Shirley's Sketch of the Criminal Law," or any other elementary work on the subject which he may happen to be possessed of. As at the Assizes, so at the Sessions, the bar have the exclusive right of audience

(*w*) *Reg.* v. *Percy*, L. R. 9 Q. B. 64.
(*x*) See *Reg.* v. *JJ. of Essex*, 49 L. J. M. C. 67, and *Ex parte Minto*, 35 L. T. N. S. 808.

where they attend; but to some of the smaller sessions barristers do not think it worth while to go, and there solicitors will be heard. But their right of audience would be destroyed by any four members of the bar announcing their intention of regularly attending such Sessions in future (*y*).

The civil business consists chiefly of motions and appeals.

Motions are applications, generally *ex parte*, to the court to sanction this or that course of proceeding; *e.g.* the stopping up of a footpath, or the granting of a horse-slaughtering license.

The trial of an appeal must be dealt with a little more in detail.

Trial of an Appeal.—Appeals are tried not by a jury like criminal cases, but in counties by the justices who happen to be present (there must be two at least), and in towns having Quarter Sessions of their own by the Recorder.

The appeal having been duly entered and called on, the proceedings commence by the clerk of the peace reading the conviction or order appealed from. If, however, it then appears that the appellant is not present the appeal will be struck out, unless there is some satisfactory explanation of his absence. The

(*y*) It is well worthy the consideration of our legislators whether it would not be a wholesome improvement to have a public prosecuting barrister in every district, and so do away with the painful and unedifying spectacle of forty or fifty barristers travelling hundreds of miles four or five times a year to attend the obsequies of a score or so of prisoners. On the other hand, it being an admitted fact that an undefended prisoner does not get a fair chance, it is a serious question whether it is not the duty of the State to provide every prisoner with counsel free of charge.

appeal cannot be heard in his absence. If, on the other hand, it is the respondents who are not present, the conviction or order will be quashed. Assuming, however, both parties to be present, the appellant must prove his notices—a preliminary which may be dispensed with by the respondents' admission. It is generally the duty of the respondents to begin. Their counsel opens his case, and calls his witnesses, each of them being examined, cross-examined, and re-examined in the usual way. And, it may be observed here, neither side is bound to confine itself to the evidence given in the court below (*z*). Fresh witnesses, the existence of whose acquaintance with the subject was not known before, may be put into the box, so that it by no means follows that, because the Quarter Sessions decide in favour of the appellant, they therefore consider that the court of summary jurisdiction came to a wrong conclusion on the evidence before it. When the respondents have concluded their case, the appellant's counsel addresses the court. If he calls witnesses, the respondent's counsel has the right of reply. Strictly, there is no right of summing-up. But at many Sessions, when two counsel appear on the same side, the junior is allowed to sum up his case—a privilege which perhaps his leader would rather he did not avail himself of. On points of law arising during the hearing the court will hear all the counsel in the case. Though, as has been said, the respondents generally begin, that is not invariably the case. If, for instance, any objections arise on the face of the

(*z*) See *Reg.* v. *Abergavenny Union*, 6 Q. B. D. 31.

conviction, the appellant will begin. And in this respect, as in many others, each court of Quarter Sessions may regulate its own practice.

All the justices who have been present during the whole hearing of the appeal, except those who gave the decision appealed from, and those otherwise interested in the result, are entitled to vote, and the decision is according to the view of the majority. If there is an equal division there should be an adjournment to the next sessions. The chairman in such a case has not the right to give a casting vote. No reasons need be given for the decision. Of the *facts* of the case the justices are absolute judges. Not only does no appeal lie from their decision on them, but they cannot even themselves take the opinion of any superior court thereon. On points of *law*, however, or legal inferences from fact, they may reserve a case for the Queen's Bench Division; and a writ of *certiorari* for the removal of the conviction, order, or other determination is not now necessary (*a*). They may, also, in certain cases, with the consent of the parties, refer the matters in dispute to arbitration. They have considerable powers as to adjournment and costs. The 5th sub-section of the 31st section of the 1879 Act is as follows: "The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter, with the opinion of the court of appeal thereon, to a court of summary jurisdiction acting for the same county,

(*a*) 42 & 43 Vict. c. 49, s. 40.

borough, or place as the court by whom the conviction or order appealed against was made, or may make such other order in the matter as the court of appeal may think just, and may by such order exercise any power which the court of summary jurisdiction might have exercised, and such order shall have the same effect, and may be enforced in the same manner, as if it had been made by the court of summary jurisdiction. The court of appeal may also make such order as to costs, to be paid by either party, as the court may think just." Moreover, when the party giving notice of appeal has inserted grounds of appeal which in the opinion of the court are frivolous or vexatious, he may be ordered to pay costs to the other side (*b*).

Clerk of the Peace.—Our notice of the Quarter Sessions would scarcely be complete without some reference to this official. He is appointed by, and is the representative of, the *custos rotulorum* (*i.e.*, generally the Lord Lieutenant). But for misconduct (which need not be in the execution of his office) he is removable by the justices in Quarter Sessions. His primary duty is to take care of the public documents of the county. But he is also responsible for all the arrangements of the Quarter Sessions. When that court is held he is always present himself, recording the proceedings, swearing the juries, taking the verdicts, taxing the costs, &c., &c. A borough clerk of the peace is appointed by the Town Council, and dismissed (if necessary) by the Recorder. He is not such an important person as the county clerk of the peace, many

(*b*) 12 & 13 Vict. c. 45, s. 4.

of the corresponding duties of the latter being discharged by a much higher official, the Town Clerk.

Special case from Quarter Sessions.—Though the Sessions decide to state a case, they must go on with the hearing and give a decision one way or the other. There is no particular form of special case, but care must be taken to put into it everything material. Fraud and illegality, for instance, must be expressly found, for they will not be presumed. If the case is not stated clearly and correctly, the Queen's Bench Division will send it back to be re-stated.

Arrest without Warrant.

In certain cases it is allowable to apprehend a person without any warrant or other express authority from a magistrate. A distinction, however, is to be observed between the power of a private individual like you and me to make such an arrest, and that of a police constable or person occupying a similarly privileged position; and also between felonies and misdemeanours.

A *constable* may without warrant arrest not only a person whom he actually finds committing a felony, but also one whom he reasonably suspects of having committed one; and he will incur no responsibility if he turns out to have been mistaken in the matter. But he ought to have the man taken before a magistrate without unnecessary delay. A *private person*

has a right to arrest any one who commits a felony in his presence; but if he arrests a person merely on suspicion of his having committed one he does it at his peril, and is liable to an action for false imprisonment, unless he establish not only that a felony was actually committed, but also that he had reasonable ground for suspecting the particular person arrested. Another distinction between the powers of a constable and those of a private person is that the former may break down doors to get at a person whom he reasonably suspects of felony, while the latter cannot. But, of course, a private person would be quite justified in breaking into a house to prevent the commission of an atrocious crime like rape or murder. In a case in which the defendant had done this it was said by Chambre, J.: "It is lawful for a private person to do anything to prevent the perpetration of a felony" (*c*).

Misdemeanours stand on rather a different footing from felonies, not being considered by the law to be such serious crimes. Generally speaking, neither a constable nor a private person can without warrant arrest a person found committing a misdemeanour. But if the misdemeanour is one dangerous to the peace, or to public morals, an arrest may be made. And it has even been held, though in rather an old case, that a person found cheating with false dice may be arrested by a private person (*d*). Moreover, whatever doubt there may be about arresting misdemeanants in the daytime, it has been enacted by

(*c*) *Handcock* v. *Baker*, 2 Bos. & P. 260.
(*d*) *Holyday* v. *Oxenbridge*, Cro. Car. 234; and see *Fox* v. *Gaunt*, 3 B. & Ad. 798.

statute that whenever a person is found committing *any indictable offence in the night* (*i.e.* between 9 P.M. and 6 A.M.) he may be at once apprehended either by a constable or by a private person. When the misdemeanant has desisted from his wrongful conduct, and shows no disposition to repeat it, he may not be arrested without a warrant.

Apart from the principles above set forth, various statutes, such as the Larceny Consolidation Act, the Coinage Consolidation Act, the Malicious Injuries Act, the Pawnbrokers Act, and the Game Trespasses Act, give special powers of arrest to persons other than constables.

But whenever a private person takes on himself the responsibility of arresting anybody, he should lose no time in handing him over to the custody of a constable. If it will be twenty-four hours before a person taken into custody without a warrant can be brought before a court of summary jurisdiction, the head officer at the police station, unless the charge is a particularly serious one, must let him out upon his entering into a recognisance, with or without sureties, for a reasonable amount to appear before the justices at the appointed time and place (*e*).

A constable making an arrest has no business to handcuff his prisoner, unless there is real danger of escape or rescue. But a constable arresting a man for felony would be justified even in killing him rather than that he should escape. The police are not entitled, it may be remarked, to examine the persons of

(*e*) 42 & 43 Vict. c. 49, s. 38.

their prisoners against their wills, even in cases where such an examination would result in material evidence one way or the other. In the well-known case of *Reg.* v. *Boulton* (*f*), Cockburn, C.J., expressed himself thus strongly: "The act of the police surgeon in examining the person of the prisoner as he did, without any legal authority, was wholly unjustifiable. He had no more right to do it than he would have to inflict such an indignity on any person he met in the streets."

Reformatories and Industrial Schools.

It is a difficult thing to know what to do with bad boys and girls (*g*). Courts do not like to send them to prison; not only because, under its corrupting influences, they may lose such innocence as they have left, but also because a young fellow who has been sent to prison is handicapped in the race of life. He is always liable to have it thrown in his teeth. A sound whipping—or, in the case of murders and the worst crimes, a series of periodical whippings—would probably be found the most effective and sensible form of punishment for young boys. But, unfortunately, the lower classes, forgetting that the sons of judges and justices of the peace are being birched just as soundly at Eton or Rugby, do not like having their

(*f*) 12 Cox, C.C. 87.

(*g*) See an able and kindly paper on the subject by Mrs. Surr in the "Nineteenth Century" for April, 1881.

children whipped, and consider it mere class tyranny which their betters are glad to have the opportunity of exercising.

The principle of the reformatory system can scarcely be considered altogether sound and satisfactory. To herd together several hundred boys (or girls, for that matter), all of whom have developed a criminal tendency, cannot be a wise or good thing, though no doubt, as far as teaching and training can effect it, everything is done to develope the good, and stamp out the evil, in a boy's character. And, if the boy's home is virtuous and respectable, if his parents can control him, and if there are no special temptations or associations about the place, it will in nine cases out of ten be found better with or without a whipping (better *with*) to send him back there.

The Reformatory Schools Act, 1866 (29 & 30 Vict. c. 117), points out the cases in which a boy or girl may be sent to a reformatory. The 14th section of that Act says that whenever a person apparently under sixteen is convicted on indictment, or in a summary manner, of an offence punishable with penal servitude or imprisonment, he may be sent to a reformatory (of his own religious persuasion, if possible) for not less than two years and not more than five. But, for some reason which is not very clear, a boy (or girl, of course) cannot be sent *straight* to a reformatory. It is necessary that, before he is removed to such an institution, he should undergo at least ten days' imprisonment. And a child under ten cannot be sent to a reformatory (except from the Assizes or Quarter Sessions) unless

he has been previously *charged* (mark the word) with some offence punishable with penal servitude or imprisonment. The court are to name the particular reformatory at the time of passing sentence, or within seven days afterwards. If they omit to do this, the selection rests with the visiting justices of the prison in which the young criminal is undergoing his preliminary period of imprisonment. The parents of the youth, if they can afford it, may be required to contribute 5*s.* a week for his maintenance while at the reformatory.

Industrial Schools are institutions somewhat similar to reformatories, but intended for younger children, and those who have not fallen so deeply into crime. Moreover, with one exception, it is only in petty sessions that a child can be sent to an industrial school. A judge, or a recorder, or justices at Quarter Sessions, have no power to send a child there.

The statute governing the subject is, "The Industrial Schools Act, 1866," 29 & 30 Vict. c. 118, of which it will be sufficient to give the effect of the leading provisions.

Any one may bring before two justices (*h*) any child apparently under fourteen found begging, or destitute, or homeless, or associating with thieves; and the justices may order him to be sent to an industrial school.

Two justices may send to such a school any child apparently under twelve charged with any punishable

(*h*) Sect. 14. The section says "two justices *or a magistrate*," but in the Interpretation Section (4) the term "magistrate" is confined to Scotland.

offence, but who has not before been convicted of felony.

They may deal in the same way with any child apparently under fourteen whose parent or guardian cannot control him, and desires that he may be sent to an industrial school.

Refractory children in workhouses may also be sent to an industrial school.

By the 14th section of the Prevention of Crime Act, 1871 (34 & 35 Vict. c. 112), the children under fourteen of a woman convicted after a previous conviction, who have no proper guardianship or means of subsistence, may be sent to an industrial school. This power may be exercised not only by two justices in petty sessions, as in the other cases, but by the court before whom the mother is convicted.

Several of the rules as to reformatories apply also to industrial schools. Thus, regard is to be had to the child's religious persuasion, and its parents may be called on to contribute towards its support.

A child is not to be detained in an industrial school against his will after he is sixteen.

PART II.

SUBJECTS FREQUENTLY OCCUPYING THE ATTENTION OF MAGISTRATES.

Adulteration.

The adulteration, so as to be *injurious to health*, of *food, drink, or drugs* (*a*) with the object of sale is an offence which, the first time, may subject the guilty person to be fined £50; and, the second, his being committed for trial to the Quarter Sessions, and sent to prison for six months. Selling such adulterated articles is a similar offence.

To sell a purchaser *to his prejudice* something in the way of food, drink, or drug that he did not ask for, although it may not be at all injurious to health, is an offence punishable with a fine of £20, and it is no defence that the purchaser bought simply for the purpose of exposing the seller as a rascal, and was not really prejudiced by his bargain (*b*). If, however, there is nothing injurious to health in the article sold, and there is no attempt at concealment or fraud, the seller may protect himself by giving the purchaser a label to the effect that there has been a mixture (*bb*).

In order that the quality of suspected articles may

(*a*) 38 & 39 Vict. c. 63.
(*b*) 42 & 43 Vict. c. 30.
(*bb*) See *Liddiard* v. *Reece*, 44 J. P. 233, as to the necessity of drawing the purchaser's attention to this label.

be thoroughly tested, *analysts* are appointed in every district, their duty being to examine the article sent to them, and then to make out a certificate specifying the result of the analysis. Careful provision has been made by the Legislature for the purpose of securing the identity of the article analysed with that bought. The person buying for the purpose of analysis must tell the seller at once that his intention is to have the article analysed *by the public analyst.* Merely to say he was buying *for the purpose of analysis* would not be enough (*c*). He must then offer to divide the article into three parts, one for the seller, one for himself, and the third for the analyst. If the seller accepts this offer, the division is made immediately, and each part is marked and fastened up. If the seller does not care to have the thing divided in this way at the time of sale, the analyst on receiving it is to divide it into two parts. The seller is bound, under pain of a penalty of £10, to sell to officers, inspectors, or constables who apply to purchase any article of food or drug exposed for sale, but he is not bound to sell to an ordinary person. In the late case of *Horder* v. *Scott* (*d*) it appeared that a person named Toy had been sent by an inspector into a shop to buy some coffee for the purpose of analysis. The coffee turned out to be adulterated, and the inspector laid an information. The magistrates, however, dismissed it, on the ground that the proceedings having been instituted by the inspector, he and not Toy should have been

(*c*) *Barnes* v. *Chipp*, 3 Ex. Div. 176.
(*d*) 5 Q. B. D. 552.

the purchaser. It was held, however, on appeal that Toy might be treated as an ordinary purchaser, and that the magistrates ought not to have dismissed the information. An inspector or other officer is empowered at the place of delivery to take samples of milk in the course of consignment from the seller to the purchaser (*e*), and in such a case it is not necessary that he should offer to make any triple division as in the case of a purchaser buying for the purpose of analysis (*f*). When the charge is *selling spirits mixed with water* to the purchaser's prejudice, it is a good defence that such mixture has not reduced the spirit more than twenty-five degrees under proof for brandy, whisky, or rum, or thirty-five degrees under proof for gin (*g*).

Procedure.—Proceedings for adulteration must always be taken within six months; but in the case of perishable articles they must be taken within twenty-eight days. The certificate of the analyst is evidence against the defendant, but the defendant may, if he pleases, insist on the analyst being present in person. The defendant may give evidence on his own behalf, and his wife is also a competent witness. If the analyst's conclusions are doubted, the magistrates may have the suspected article analysed by the chemical officers at Somerset House.

Seeds.—The *adulteration of seeds* is the subject of a special Act of Parliament which empowers the magis-

(*e*) 42 & 43 Vict. c. 30.
(*f*) *Rouch* v. *Hall*, 6 Q. B. D. 17.
(*g*) 42 & 43 Vict. c. 30, s. 6.

trates, in addition to fining, to have the offender's name, and the particulars of his offence and punishment, put into the newspapers at his own expense (*h*).

Unsound Provisions.—The Public Health Act, 1875 (*i*), inflicts a punishment on a person exposing *unsound provisions* for sale, and requires that, on being condemned by a justice, they shall be destroyed. It is not necessary to give any notice to the owner that his goods are going to be destroyed, as the order for destruction is an *ex parte* one (*k*). Persons obstructing health officers or nuisance inspectors, and trying to prevent them from looking at provisions intended for sale, are liable to a fine. Search warrants may be granted by any justice to a proper officer, entitling him to enter suspected buildings, and seize suspected articles.

Bread.—Bread, being the staff of life, has an Act of Parliament or two all to itself. Bakers and others who use improper ingredients to make bread with for sale are liable (*l*) to a penalty not exceeding £10, nor less than £5, and their names may be put into the newspaper. Persons adulterating corn, meal, or flour may also be punished; and so may millers, mealmen, or bakers in whose possession are found ingredients for adulteration, or who resist lawful search. In a case (*m*) from Bolton, in 1871, it was held that a baker could not be convicted of making adulterated bread for sale if there was no evidence that he or his servants had

(*h*) 32 & 33 Vict. c. 112, and 41 Vict. c. 17.
(*i*) 38 & 39 Vict. c. 55, s. 116.
(*k*) *White* v. *Redfern*, 5 Q. B. D. 15.
(*l*) 6 & 7 Will. IV. c. 37.
(*m*) *Core* v. *James*, L. R. 7 Q. B. 135.

any knowledge of its being adulterated. "The provisions of the Act," said Hannen, J., "cast great responsibility on a master baker, but I cannot think it to have been the intention of the Legislature that he should be liable to a penalty for anything that occurs by accident. If this were so, the master might be punished when some forbidden ingredient had fallen into the flour without the knowledge of either himself or his servant; and I am the more inclined to think that the Legislature had not this intention, because the name of the master who has been convicted under the Act is to be made public in order that persons may be warned against dealing at a shop where something wrong has been done, either by the servant or his employer."

Animals.

Cruelty to Animals.—It is an offence (*n*) punishable with a fine of £5, or with three months' imprisonment, to torture or ill-treat an animal. The animal need not be a quadruped, and indeed a recent case of importance on the subject is where the cutting off the combs of *cocks* for the purpose of exhibition was held to be an offence (*o*). But the ill-treatment of unacclimatised parrots would not come within the statute, as they

(*n*) 12 & 13 Vict. c. 92.
(*o*) *Murphy* v. *Manning*, 2 Ex. Div. 307.

cannot be called "domestic animals" (*p*). The cruelty to be punishable must be of an *active*, not merely passive, kind, and so it has been held that a person who omits to kill an animal in great pain cannot be convicted (*q*). "Here it is to be taken," said Cockburn, C. J., in the case referred to, "upon the magistrate's finding, that the dog was shot justifiably. The defendant thought he had killed the dog, and dragged it into the road merely for the purpose of removing the dead body off his premises. It was when the dog was in the road the defendant found that it was not dead. Any man of common humanity, and not made of the hardest materials, would then have immediately put an end to the animal. Passively it was inhuman cruelty to do otherwise. But passive cruelty is not, in my opinion, provided for by the statute. . . . I do not see why such an act of passive cruelty should not be made an offence punishable in the same way as active torture, but that can only be done by the Legislature." The ill-treatment of several animals on one and the same occasion constitutes several offences, and a fine can be inflicted for each animal ill-used. The magistrates may order the defendant whom they convict to pay compensation to the owner of the animal to the extent of £10. If the damage done is greater than that sum would pay for, they should not make any order, but leave the owner to bring his action.

Similar, though not quite so serious, offences are

(*p*) *Swan* v. *Saunders*, 6 Q. B. D.
(*q*) *Powell* v. *Knight*, 38 L. T., N. S. 607. See, however, *Everitt* v. *Davies*, 38 L. T., N. S. 360.

committed by persons who impound animals without providing them with a proper supply of food, or who subject them to unnecessary pain or suffering in travelling.

Proceedings must be instituted within a month from the time of the offence.

Vivisection.—It is to be observed that it is only unnecessary and capricious cruelty that is punished by the Act of Parliament just referred to. "Undoubtedly," says Cleasby, B., in *Murphy* v. *Manning* (*r*), "every treatment of an animal which inflicts pain, even the great pain of mutilation, and which is cruel in the ordinary sense of the word, is not necessarily within the Act. Many cases were put in the course of the argument in which it is clearly not so. Whenever the purpose for which the act is done is to make the animal more serviceable for the use of man the statute ought not to be held to apply. As was said by Wightman, J., in *Budge* v. *Parsons* (*s*), the cruelty intended by the statute is the *unnecessary* abuse of the animal."

But the improved good feeling of the day, and the mysterious disappearance of favourite cats in the metropolitan district, led in 1876 to some legislation (*t*) restraining to a great extent scientific experiments on living animals. Such an experiment can now only be performed by a person licensed by a Secretary of State, and the general public, whether paying or not,

(*r*) *Murphy* v. *Manning*, 2 Ex. Div. 307.
(*s*) 3 B. & S. 379.
(*t*) 39 & 40 Vict. c. 77.

cannot be admitted to witness it. The animal must be under an anæsthetic during the whole time it is being operated upon; and, if the pain is likely to continue, it must be killed before it recovers from the anæsthetic. No experiment of the sort is allowed merely for the purpose of illustrating a lecture, or of attaining manual skill. The object must distinctly be the advancement of knowledge, and the clear benefit of the human race. Special certificates, however, may be given—and this is, perhaps, the weak side of the Act—entitling the holder to torture without anæsthetics, to illustrate his lectures with vivisection, and to do other things which not only women and platform philanthropists think wicked and cruel, but which hard and strong men do, too. The Act provides that cats and dogs are not to be vivisected without anæsthetics if any other animals will do as well. And horses and donkeys are still better protected. No experiment calculated to give pain is to be performed on a horse, ass, or mule except on a certificate that the object will be necessarily frustrated unless performed on such an animal. The Act does not apply to invertebrate animals.

Proceedings must be taken within six months. For a first offence the defendant is liable to a penalty of £50; for a subsequent offence, £100, or three months' imprisonment. He may claim to go before a jury if he pleases. *Search warrants* may be granted by a justice upon information on oath that there is ground for believing that experiments contrary to the Act are being conducted.

Poisonous drugs.—The administration (*u*) of any poisonous or injurious drug or substance to any horse, cattle, or domestic animal by any person other than the owner has lately been made an offence punishable by fine to an amount not above £5, or imprisonment with or without hard labour for not longer than a month the first time, nor for longer than three months on a repetition of the offence. The object of the Act is said in the preamble to be "to make provision against the practice of administering poisonous drugs to horses and other animals by disqualified persons, and without the knowledge and consent of the owners of such horses and animals."

Slaughter-houses.—No one is allowed (*v*) to keep or use a house for the slaughtering of cattle not killed for butchers' meat unless he is properly licensed. A person wishing to carry on the business of a slaughterer comes to the Quarter Sessions and applies for a license, which must be renewed by the same authority every year. His application must be supported by the certificate of the minister and churchwardens or overseers, or that of the minister and two householders. If a man holding a license dies, his widow may carry on the business till the next sessions. The Legislature has carefully prescribed regulations as to the time and method of killing cattle. No cattle can be killed in the winter time except from 8 a.m. to 4 p.m., and in the summer from 6 a.m. to 8 p.m. There is a slaughter-house inspector for every district, and six

(*u*) 39 Vict. c. 13.
(*v*) 26 Geo. III. c. 71.

hours' notice must be given him of an intended slaughter. The slaughterer must keep a book in which to enter the names of people bringing him cattle, and the reason why they are brought; and this book must be produced at the request of the inspector or of any magistrate. Slaughtering without a license, or without giving notice to the inspector, or during prohibited hours, involves the guilt of felony, and the defendant may even be whipped. Directly an animal is brought in for slaughter the keeper of the place must cut off the hair from its neck. He must kill it within three days, and in the meantime must feed it properly. If he breaks any one of these rules he may be fined £5 or sent to prison for three months. He is punishable also if he takes advantage of the animal's being in his possession to make use of it for his own purposes (*w*).

Slaughter-houses in the metropolis are regulated by a special Act of Parliament, 37 & 38 Vict. c. 67, which vests the management of such places in the hands of the local authority, with power to make bye-laws.

Contagious diseases.—In 1878 an important Act, called "The Contagious Diseases (Animals) Act, 1878" (*x*), was passed, with the object of preventing as far as possible the spread of disease among cattle. Besides many wholesome precautions which the Act itself enjoins, the Privy Council are empowered to make regulations having all the force of the Act itself. They may, on evidence satisfactory to them, declare any place or area infected; they may order

(*w*) 12 & 13 Vict. c. 92.
(*x*) 41 & 42 Vict. c. 74.

suspected animals to be slaughtered; they may require railway companies to make satisfactory arrangements for supplying food and water to animals in course of transit, &c., &c. Inspectors are appointed with large powers of entering suspected places, and examining suspected cattle. The Act no doubt works hardship in particular cases, but farmers and cattle-dealers should remember that its object is an extremely good one, and that it is better that a hundred sound animals should be examined and delayed rather than that a single diseased one should be at liberty to contaminate others. The evil is a very difficult one to combat, and requires a strong remedy.

Bastardy.

The following remarks, it may be said at the outset, do not apply to children born before "the clock began to strike twelve in the night of the 9th of August, 1872" (*y*). The law with regard to such children will be found in 7 & 8 Vict. c. 101, and will not be dealt with here.

Who may apply.—A single woman (widows and married women living away from their husbands are included in this term) who wishes to affiliate her bastard child on a man, may apply (*z*) for her summons either while she is pregnant or at any time within

(*y*) *Tomlinson* v. *Bullock*, 4 Q. B. D. 230.
(*z*) 35 & 36 Vict. c. 65.

twelve months of the baby's birth. She may not do so later, unless either—

(1.) *The man has paid money for the maintenance of the child within twelve months of its birth,*
in which case she can make her application at any time, or—

(2.) *The man has ceased to reside in England within twelve months of the birth,*
in which case she must make her application within twelve months of his return.

The term "single woman," though applying to widows and women separated from their husbands, does not enable a married woman living with her husband to obtain an order, even though the child was born and the proceedings commenced before the marriage (*a*). The marriage, however, of a woman who has already obtained her order does not relieve the father from further liability, however well able to maintain the child her husband may be (*b*).

It does not matter where the child was begotten, but it is necessary that it should have been born in England, or in an English ship (*c*).

The jurisdiction of the magistrates is not ousted by the father's having paid down a lump sum in satisfaction of all claims upon him, though such a circumstance would, of course, have the greatest weight with them in considering their decision (*cc*).

(*a*) *Stacey* v. *Lintell*, 4 Q. B. D. 291, and *Tozer* v. *Lake*, 4 C. P. D. 322.
(*b*) *Sotheron* v. *Scott*, 6 Q. B. D. 518, and *Hardy* v. *Atherton*, W. N., June 4th, 1881.
(*c*) *Marshall* v. *Murgatroyd*, L. R. 6 Q. B. 31.
(*cc*) *Follet* v. *Koetzow*, 29 L. L. M. C. 128.

Jurisdiction.—The woman may drag the defendant to any court within whose jurisdiction she happens to be *residing*. But the residence must be a *bonâ fide* one, and not taken up for the mere purpose of catching the favourable decision of a more friendly bench of magistrates (*d*).

The evidence.—The summons being issued, and duly served six clear days at least before the hearing, the justices will proceed on the appointed day to hear the evidence. It is necessary that the woman should herself be a witness, and indeed if she happens to die before the hearing, no order can be made (*e*). "We are of opinion," said the court, in the case in which this point was established, "that it was the intention of the Legislature, having regard to the peculiar nature of such inquiries, that the mother should support her accusation by her oath, and submit herself to cross-examination. The paternity of the child is a fact as to which no evidence can be satisfactory without the statement of the mother." It is also necessary that her evidence should be *corroborated* in some material particular by other evidence. Facts long antecedent to the suggested intercourse (an unexplained closed door, for instance, or familiarities) may be sufficient corroboration (*f*). And, of course, admissions by the defendant himself will be quite enough. The woman is liable to be cross-examined as to her having had sexual intercourse with other men named to her. If this cross-examination is merely to her

(*d*) *Reg.* v. *Hughes*, 26 L. J., M. C. 133.
(*e*) *Reg.* v. *Armitage*, L. R. 7 Q. B. 773.
(*f*) *Cole* v. *Manning*, 2 Q. B. D. 611.

credit, she cannot be contradicted by other evidence but if it is with the object of showing that the person named was really the father, she may be (*g*).

If the complainant is a married woman separated from her husband, his non-access to her must be proved by other evidence than her own; for for that purpose she is not a competent witness.

In a work of great authority on the subject it is said, "A question sometimes arises to the credibility of the mother's evidence on account of the birth of the child having been either much earlier or much later than the ordinary period of gestation, namely, 40 weeks, or 280 days. It is, however, well known that a child may be born alive, with the power of being reared and of coming to manhood, at the end of about seven calendar months, and gestation may, in the opinion of many eminent accoucheurs, be protracted for two or three or even four weeks, though rarely beyond eight or ten days. Whenever, according to the evidence of the mother, there has been any great deviation from the ordinary rule, the testimony of the surgeon or midwife will be important, and in the case of premature delivery it will generally enable the magistrate to arrive at a satisfactory conclusion" (*h*).

The defendant is a competent witness to deny the paternity of the child; or, on the other hand, he may be compelled to come and give evidence on the part of the woman. The police have very properly got into the habit of instituting a prosecution for perjury in

(*g*) *Garbutt* v. *Simpson*, 32 L. J., M. C. 186.
(*h*) Stone's "Justice's Manual," p. 47.

every case in which it can be proved that a defendant has falsely denied his being the father. It is about as wicked a crime as a man can commit, and no one more richly deserves twelve months' imprisonment with hard labour.

The order.—If, on a full investigation of the case, the magistrates come to the conclusion that the girl has not trumped up a story, but has preferred a just and genuine claim, they will adjudge the defendant to be the father, and will make an order requiring him to pay a weekly sum for the child's maintenance and education. The words "maintenance" and "education" are absolutely necessary in the order, which will be quashed if they are absent from it (*i*). The utmost weekly payment (except in the case of twins, when there ought to be a separate application and summons in respect of each) they can exact from him is 5*s*. a week until the child is sixteen. If no time is specified in the order, it remains in force till the child is thirteen. The defendant may be also called upon to pay the expenses incidental to the birth, and the cost of getting the order; also, if the child has died, the funeral expenses. The order is enforced if necessary by distress, security and imprisonment. It ceases to have effect on the death of either father or child.

Appeal.—The defendant, if adjudged to be the father, may, by giving notice to the mother within twenty-four hours, and entering into recognisances within seven days, appeal to the Quarter Sessions. Directly after entering into the recognisances, however, he

(*i*) *Reg.* v. *Padbury*, 5 Q. B. D. 126.

must give notice to the mother and one of the magistrates who made the order of his having done so. The Quarter Sessions, if they please, while confirming the order, may reduce the amount of the weekly sum. The woman has no such right of appeal to the Quarter Sessions; but, if the case has been dismissed, she may obtain another summons and have her case heard again with fresh evidence. In a late case some Essex justices in petty sessions had made an order affiliating a child of Ellen Phillips on James Frost. Frost, dissatisfied with the decision, gave notice of appeal to the Quarter Sessions. When the appeal was called on, it appeared that Ellen was not present, having mistaken the day. In spite of the application of her counsel to postpone the hearing, on the terms of paying the costs of the day, the case was proceeded with, and the order quashed, the respondent adducing no evidence. It was held that, under the circumstances, this decision of the Quarter Sessions was not final, but that the woman might take out another summons against Frost in respect of the same child. The order on appeal, it was laid down, is only final where the case is heard on the merits (*k*).

Pauper bastards.—It may be added that, when the bastard child of a woman who has not obtained an order against any one becomes chargeable to any union or parish, the guardians may summon the father before two justices, and get them to make him pay a certain sum, weekly or otherwise, so long as the child remains

(*k*) *Reg.* v. *JJ. of Essex*, 49 L. J. M. C. 67.

chargeable to them (*l*). If the mother afterwards applies for an order, the order obtained by the guardians is *primâ facie* evidence of the man against whom it was made being the father.

When the putative father is a soldier, the terms of the "Army Discipline and Regulation Act, 1879" (42 & 43 Vict. c. 33), must be complied with.

Education.

A man ought to look after the education of his own children. But if he will not, or cannot, the State very properly insists on doing it for him. The two chief Acts on the subject are 33 & 34 Vict. c. 75 (the Act of 1870), and 39 & 40 Vict. c. 79 (the Act of 1876).

When the Education Department of the Privy Council consider there is not sufficient school accommodation in a particular district, a School Board must be formed there. The Board is to provide schools and teachers, and to secure the attendance of ignorant children. For this purpose it is empowered to make and enforce bye-laws. The teaching (so far as it is compulsory) is strictly of a secular character. Some very worthy persons are shocked and scandalised that this should be the case, and denounce the School Boards as immoral and atheistical institutions. These good people, however, should try to understand that the Legislature has never assumed to say that the educa-

(*l*) 36 Vict. c. 9.

tion of a child should be conducted entirely on secular principles, but simply that English citizens are of various creeds, and that they all ought to be able to read and write.

The Act of 1876 requires the parent (*ll*) of every child between the ages of five and fourteen to cause it to receive efficient elementary instruction in reading, writing, and arithmetic. If he fails in this duty, the local authority, after giving him due warning, complain to a Court of Summary Jurisdiction, who may make an order that the child shall for the future regularly attend some specified school. If, however, the parent has some "reasonable excuse" for not having his child taught (illness, for instance, or there not being a school within two miles), the court will not make the attendance order. In the late case of *Richardson* v. *Saunders* (*m*), the important question arose as to whether a parent sufficiently obeys an attendance order by sending his child without the fees. It was held that, although the child was for that reason refused admittance to the school, and although the parent could have got excused the payment of the fees on account of his poverty, if he had chosen, the word "attend" could not be strained so as to mean "attend with fees" (*mm*). A person who takes into his employment a child under ten, or even one between ten and fourteen who has not a proper certificate of

(*ll*) See *London School Board* v. *Jackson*, L. J. notes of cases, June 25th, 1881.

(*m*) 6 Q. B. D. 313.

(*mm*) In a later case, however, between the same litigants, five judges of the Q. B. D. came to the opposite conclusion, so that the question can hardly be considered to be finally settled. See *Times*, June 28th, 1881.

school proficiency, is liable to a penalty of 40*s*. But if there is no school within two miles of the child's residence it may work for an employer, and so it may during the school holidays, or after school hours. Factory children are under special regulations which need not be dealt with here (*n*). The Act is enforced by the School Board, where one exists; where one does not, by the School Attendance Committee, a body appointed by the town council in municipal boroughs and by the guardians in parishes.

Canal children.—A canal boat child, it may be mentioned, is for educational purposes deemed to be resident in the place to which the boat itself is registered as belonging. But if the parent satisfies the School Board or School Attendance Committee that the child is being properly taught in some other district they must give him a certificate to that effect, and the child will then be considered resident in that district (*o*).

Game Laws.

Magistrates are frequently called upon to exercise their powers for the purpose of carrying out the statutes known as the Game Laws. It seems that, under existing legislation, game (*p*), by whomsoever it may be killed, becomes in all cases the property of the person entitled to the game upon the land where it

(*n*) 41 Vict. c. 16.
(*o*) 40 & 41 Vict. c. 60, s. 6.
(*p*) The word "game" includes hares, pheasants, partridges, grouse, heath or moor game, black game, and bustards.

was killed. This person is *primâ facie* the occupier of the land, who has the sole right to the game, unless such right has been reserved by the landlord; and, indeed, by a very recent Act no such reservation can be made so far as regards hares and rabbits.

Game certificate.—The sportsman must, however, be provided with what is called a "game certificate," that is, a license to kill game; otherwise he is liable, on conviction before two justices, to a fine of £5, in addition to any penalties imposed by the statutes relating to the Excise. Merely walking about with a gun with intent to kill game has been held evidence of using it for that purpose.

Game-dealer's license.—Any person who may be desirous of becoming a game-dealer must first obtain not only an Excise license, but also a license from the justices assembled in special sessions. An innkeeper, however, may sell for consumption in his own house game bought of a licensed dealer. There are also penalties imposed for buying game except from licensed dealers, and for other offences of a like character.

Killing game at unlawful seasons.—Penalties may be inflicted not only on unqualified persons for hunting game, but also on qualified persons for irregularities in their sport, *e.g.* killing game on Sunday, or shooting partridges between the 1st of February and the 1st of September.

Poaching Prevention Act.—By a statute known as the Poaching Prevention Act (*q*) constables are justified in searching any person whom they find in a

(*q*) 25 & 26 Vict. c. 114.

"highway, street, or public place," and whom they have good cause to suspect of coming from a poaching expedition, and of having in his possession game unlawfully obtained, or the gun, net, &c., which he had used to kill or take the game—the word "game" here includes rabbits, woodcocks, and snipes. If the constables find game or poaching appliances upon the suspected person, they apply to a justice for a summons citing such person to appear before two justices assembled in petty sessions, who may, if the suspicions were well founded, fine the defendant £5, and direct the forfeiture of the articles found upon him. It is not necessary that the defendant should have succeeded in actually securing any game, but the statute does not meet the case of a poacher suspected of *going to* land in search of game.

Trespassing in day-time in pursuit of game.—A person trespassing in search or pursuit of game, woodcocks, snipes, quails, landrails, or conies, if the offence is committed in the day-time (*r*), is liable, on conviction before a justice, to a fine of £2 and costs. If the trespassers are more than five in number, or use violence, or decline to give their names, or refuse to quit the land when required, they are subject to the imposition of heavier penalties. They may, too, in any case be compelled to deliver up game found in their possession, if it appear to have been recently killed. The leave of the occupier is no defence where the landlord is entitled to the game, but when a claim of right

(*r*) Defined to commence at the beginning of the last hour before sunrise, and to conclude at the expiration of the first hour after sunset.

is *bonâ fide* raised upon reasonable grounds, the jurisdiction of the justices is ousted. Entering upon land to pick up dead game is not trespassing "in pursuit of game," unless, indeed, the game were not only shot, but also started, upon the land of the prosecutor.

Night poaching.—It is a misdemeanour, punishable on conviction before two justices with three months' imprisonment, to take or destroy game or rabbits by night, or even to trespass on land by night with a "gun, net, engine, or other instrument," for the purpose of taking or destroying game. For a second offence the justices can give six months' imprisonment, and for a third offence the punishment on indictment is seven years' penal servitude. The poacher renders himself liable to the last-mentioned term, even for a first offence, if he assaults with any offensive weapon the owner of the land or his keeper when seeking to seize and apprehend him. Where, too, the poachers are of the number of three or more and are armed, they commit an offence triable only at assizes, and punishable with fourteen years' penal servitude (*s*).

Offences relating to deer, &c.—There are also a number of statutory regulations providing particular punishments for the unlawful killing of hares or rabbits in a warren, of deer in a forest or chase, and of fish in private waters. Numerous restrictions are placed, too, on the capture of salmon by the extensive provisions of the Salmon Fisheries Acts, which are for the most part carried into effect by justices in petty sessions.

(*s*) "Shirley's Criminal Law," p. 11.

Ground game.—In order the better to protect occupiers of land against injury to their crops from ground game there was passed in 1880 a wholesome and beneficial Act of Parliament (*t*), which provides that "every occupier of land shall have, as incident to and inseparable from his occupation of the land, the right to kill and take ground game thereon, concurrently with any person who may be entitled to kill and take ground game on the same land." This right, however, must be exercised by the occupier in person, or by persons duly authorised by him in writing; and only one other person besides himself may kill ground game under the Act *with fire-arms*. "No person," it is further provided, "shall be authorised by the occupier to kill or take ground game except members of his household resident on the land in his occupation, persons in his ordinary service on such land, and any one other person *bonâ fide* employed by him for reward in the taking and destruction of ground game." Any agreement purporting to divest or alienate the occupier's right to destroy ground game under this Act is void, and cannot be enforced. The occupier need not have a game license, but he must have a gun license. The Act contains a saving clause providing that occupiers shall not be entitled to kill ground game under the Act on lands where the shooting is let at the date of the passing of the Act till the determination of the contract.

Wild birds.—Another useful Act of 1880 is one providing for the protection of wild birds during the

(*t*) 43 & 44 Vict. c. 47.

breeding season (*u*). Any one who between March 1st and August 1st takes, or tries to take, or who after March 15th offers for sale, or has in his possession recently taken, any wild bird mentioned in the schedule to the Act is liable on summary conviction to be made to pay a pound for every bird. If the bird, though wild, is *not* mentioned in the schedule, the defendant for a first offence is reprimanded and discharged on payment of the costs; but on a repetition of it he may be fined 5*s*. a bird. Owners and occupiers, however, and their friends, may kill wild birds not scheduled.

Any one found offending against this Act may be required by any other person to give his name and address. If he refuses to do so, or gives a false name and address, he may be fined, on conviction for the principal offence, an additional sum of 10*s*.

On the application of the justices in quarter sessions to the central authority the close time may be extended or varied, and in the same way counties, or parts of counties, may, as to all or some wild birds, be exempted from the operation of the Act.

The Act is not to apply to the Island of St. Kilda.

Highways.

Highway Act, 1835.—The principal Act relating to highways is one passed in the reign of William the Fourth (5 & 6 Will. IV. c. 50). Under that statute

(*u*) 43 & 44 Vict. c. 35.

the justices were directed to hold a special sessions within fourteen days after March 20th in each year, and there to appoint not less than eight, nor more than twelve, special sessions for executing the purposes of the Act during the ensuing year. The roads in a parish were placed under the management of a surveyor, to be elected annually by the parishioners. If, however, they neglected to appoint a surveyor, or the surveyor ceased to act, the justices were to fill up the vacancy. It was provided that the funds necessary for the repair and improvement of the roads should be furnished by means of a rate levied by the surveyor, allowed by two justices, and published in the same way as poor rates. There were regulations, also, as to the procedure in the event of the surveyor neglecting the repairs, but they seem to be practically superseded by the provisions of the late Acts.

Highway districts.—The formation of a number of highway districts, which are the creation of the Act of 1862 (*x*), has been of great service during the last few years in promoting the more convenient management of our highways. The county justices at general or quarter sessions may, at the instance of five of their number, constitute the whole or any part of the county a highway district. This district when formed is under the control of a highway board, consisting of waywardens elected yearly by the various parishes in the district, and of the resident county justices. The rates levied by the board must be published as in the case of rates made by the surveyor, but they do not

(*x*) 25 & 26 Vict. c. 61.

require any allowance by magistrates. There is an appeal to special sessions against any rate levied under a precept of a highway board on the ground of incorrectness in the valuation, or of inequality, or unfairness; and sometimes an appeal lies to the quarter sessions, *e.g.*, where the question is one of liability to repair a particular highway. Under the Highways Amendment Act, 1878, any two or more highway boards may unite in appointing and paying the salary of a district surveyor.

Urban sanitary authority.—The portions of highways situate in towns are subject to other regulations, for it is provided by the Public Health Act, 1875 (*y*), that in urban sanitary districts all the streets, pavements, building materials, &c., shall vest in, and be under the control of, the urban authority. In the recent case of *Coverdale* v. *Charlton* (*z*) the meaning of this word "vest" was brought under discussion, and it was held that the urban authority (in spite of 41 & 42 Vict. c. 77, s. 27) were sufficiently owners of the roads under their control to be entitled to let the pasturage at the side of them. The urban authority is also to exercise and be subject to the powers and liabilities which by the Act of 1835, or any Act amending it, are vested in the vestry of a parish. The Act also gives the urban authority extensive powers as to the paving, lighting, sewerage, and general regulation of the streets.

Rural sanitary authority.—Moreover, where a high-

(*y*) 38 & 39 Vict. c. 55, s. 144, *et seq.*
(*z*) 4 Q. B. D. 104.

way district happens to be coincident with a rural sanitary authority, this authority may apply to the county authority (*i.e.*, the justices in general or quarter sessions assembled), under the Highway Act of 1878, for permission to exercise the powers of a highway board within their district. If their application is successful, all the expenses incurred in the performance of their duties as a highway board are to be deemed general expenses of the rural sanitary authority within the meaning of the Public Health Act, 1875, and the mode of defraying such expenses is provided for by that Act. No separate highway rate will therefore be levied.

Main roads.—Under the Act of 1878 (*a*) the county authority have also power to declare any ordinary highway a main road, the result of which is that the county at large bears half the expense of keeping it in repair. The county authority will not, however, take this step unless the highway authority, having the control of the road, whether surveyor of the parish, highway board, or sanitary authority, satisfies them that the traffic is of a general and not of a purely local character. It should be added that this provision as to main roads does not extend to boroughs having a separate court of quarter sessions.

Roads out of repair.—It was provided by the Act of 1862 that if a road in any highway district was out of repair, the justices at petty sessions might order the highway board to effect the repairs. This provision is still in force, but it will be seen that it is only

(*a*) 41 & 42 Vict. c. 77.

applicable where a highway happens to be within a highway district. There is, however, under the Act of 1878 a general regulation which applies to all highways, except those within the limits of boroughs having separate courts of quarter sessions. Complaint being made that any highway authority has neglected to repair a road, the county authority may order the necessary repairs to be done in a limited time. If this order is not complied with, the county authority undertakes the repairs, and charges the expense to the highway authority. Supposing, however, the liability to repair is disputed, the justices will order the highway authority to be indicted, and so the question will be settled by a jury.

Special sessions now unnecessary.—The special sessions which the Act of 1835 directed to be appointed annually by the justices appear to be no longer necessary, for justices assembled in petty sessions at their usual place of meeting may now exercise any jurisdiction which they are authorised to exercise under any of the highway Acts.

Justices interested.—Nor is a justice disabled from acting in any matter merely on the ground that he is by virtue of his office as a member of a highway board interested. Where, however, the decision of a highway board is appealed against, and a justice has already acted as a member of the board, he cannot then sit in judgment to review his own decision.

Alteration of highways.—Magistrates in quarter sessions are invested with power, on good cause being shown, to stop up a highway, or to divert or widen it.

When such a change is proposed two justices are asked to go and look at the highway in question. If they think it would be an improvement, they sign a certificate to that effect. Great care is required in the drawing up of this certificate. It must be particular to state that the justices arrived at their conclusion upon their own *personal inspection*, and not merely from what was told them. In a late case two justices had certified that a proposed new highway would be more commodious to the public than the existing highway, because "upon inquiries" they found that the old path was inconvenient, and the new path convenient. It was held that this certificate was invalid, as it did not show unequivocally that the view upon which their decision was founded was their own (*b*).

Moreover the Act of 1878 contains provisions for the discontinuance of unnecessary highways (*c*). "If any authority liable to keep any highway in repair is of opinion that so much of such highway as lies within any parish situate in a petty sessional division is unnecessary for public use, and therefore ought not to be maintained at the public expense," it may bring the matter before the justices of the division, who will, if (after hearing those who object to the discontinuance) they agree with the authority, declare the highway unnecessary, &c. An appeal lies from such an order to the quarter sessions.

Nuisances to highways.—Magistrates have also summary jurisdiction for the infliction of penalties where

(*b*) *Reg.* v. *Wallace*, 4 Q. B. D. 641.
(*c*) 41 & 42 Vict. c. 77, s. 24.

a road is damaged, obstructed, or encroached upon, where cattle are allowed to stay on a highway, where a carriage (bicycles included in this term) (*d*) is furiously driven, &c., &c. (*dd*).

Locomotives on highways have been carefully regulated by the statutes 24 & 25 Vict. c. 70; 28 & 29 Vict. c. 83; and 41 & 42 Vict. c. 77. There must be at least three persons to conduct a locomotive; it must have efficient lights; it must be instantly stopped when desired; it must have the name and residence of its owner on it; its speed is limited; it must consume its own smoke; &c., &c. Town councils, &c., may make bye-laws on the subject.

Intoxicating Liquors.

Jurisdiction of justices.—The authority of justices of the peace in matters relating to the liquor laws has from time to time varied very considerably in its extent. Under the statutes at present in force (*e*), it may be stated generally that all persons who retail intoxicating liquors (except wholesale dealers in spirits holding a license to retail in bottle, and who sell nothing but intoxicating liquors, and wine-merchants) must obtain a preliminary certificate from the justices before they

(*d*) *Taylor* v. *Goodwin*, 4 Q. B. D. 228. But a bicycle has been held not to be a carriage, and not liable to toll, under a local Turnpike Act, *Williams* v. *Ellis*, 5 Q. B. D. 175.

(*dd*) As to indictment for obstruction of highway see the recent case of *Turner* v. *Duncan*, W. N., May 21st, 1881.

(*e*) 9 Geo. IV., c. 61; 35 & 36 Vict. c. 94, and 37 & 38 Vict c. 49.

are entitled to the actual license to sell which proceeds from the Commissioners of Excise.

General annual licensing meeting.—Once a year, at a time fixed by statute, there is held in every county, and in every town which has a separate commission of the peace, a sessions of justices of the peace called the General Annual Licensing Meeting. The magistrates then grant licenses for the sale of intoxicating liquors to those whom they in their discretion (and subject to the statutory regulations on the subject) deem fit and proper persons to hold them.

Licensing authority in counties and boroughs.—With respect to the granting of new licenses, the constitution of the licensing authority for a county is different from that for a borough, and there is a further difference between boroughs where there are ten or more acting justices and boroughs where there are not so many.

In the case of a county, two or more qualified justices may grant new licenses. If, however, they are for the consumption of liquor on the premises, they require the subsequent confirmation of a committee of the justices annually appointed and called the County Licensing Committee.

In boroughs where there are ten or more acting justices, new licenses are granted by a committee annually appointed, called the Borough Licensing Committee. These licenses, if for consumption on the premises, must be confirmed by a majority of the whole body of borough justices.

In boroughs where there are not so many as ten acting justices, new licenses are granted by the justices with-

out the appointment of any special committee. But these licenses, if for consumption on the premises, are not valid unless they are afterwards confirmed by a joint committee consisting of three borough justices and three justices of the county in which the borough is situate.

Mode of application.—An applicant for a new license must, twenty-one days before the hearing of his application, give written notice to one of the overseers, and to the superintendent of police in the district, of his intention to apply. He must also for two consecutive Sundays post a like notice on the principal door of the church or chapel of his parish, and on the door of the premises themselves; and he must insert it in one of the local newspapers. Having done all this, he must attend at the time and place appointed, when the magistrates will hear his application, and inquire as to his character and the qualifications of his premises. If the application is opposed they will take the evidence on both sides in the regular way, and then grant or refuse the license, as they think fit. If the premises for which the license is sought are not completed at the time of the application, the magistrates may grant what is called a "provisional license" to any person interested in the construction of the premises on being satisfied with the plans submitted to them.

Discretion of justices.—There is vested in the justices an absolute discretion to grant or refuse any application for a new license (except in a case which will be referred to presently), and their decision can be called in question only when they have acted from corrupt

motives or from mere caprice. But they have no power to decline to *hear* an application, nor to refuse it on the ground that they have determined not to grant any more licenses. It is, however, a good ground of refusal that there are already a sufficient number of licensed houses in the neighbourhood.

Occasional license.—The ordinary victualler's license, the one usually required by an innkeeper, gives the holder power to take out any of the Excise licenses usually held by publicans. But it often happens that an innkeeper desires, on the occasion of some special festivity, to supply liquor away from his own premises, or at a time outside the regular hours. In that case he applies to the local authority for an "occasional license." Except in the metropolitan district, the "local authority" means two justices.

Licenses to sell "off."—When the application is for a license to sell beer, cider, or wine not to be consumed on the premises (or for a spirit-dealer's additional retail license), the justices cannot refuse to grant the license except upon one of four grounds relating to the applicant's character and the nature of his premises. It has been thought that a recent statute (43 Vict. c. 6) has given the justices an absolute discretion to grant or refuse all licenses to sell beer "off," but it seems clear that the effect of the Act in question is merely to give a discretion to the justices when the holder of a strong beer-dealer's wholesale Excise license applies for the grant of a certificate for an additional license for the sale of beer by retail for consumption off the premises.

Renewals and transfers.—In both counties and

boroughs alike, renewals of licenses are granted by two or more justices at the general annual licensing meeting, there being no necessity for an applicant to give any notice of his intention to apply for a renewal. Any one may oppose such an application, but the magistrates cannot entertain the opposition unless written notice stating in general terms the grounds of opposition has been served on the applicant not less than seven days before the meeting. They may, however, adjourn the grant, and require the applicant's attendance, when the case may be heard as if notice had been given.

There are also provisions in the statutes under which, in case of the death, incapacity through sickness, bankruptcy, &c., of the holder of the license, the magistrates may transfer it to some one else. Applications for transfer may, after due notice, be made at any one of the special sessions, of which not less than four, nor more than eight, are appointed at the general annual licensing meeting to be held during the year next ensuing such meeting.

As in the case of applications for new licenses, the justices have an absolute discretion in regard to the granting or refusal of renewals and transfers. But any person who considers himself "immediately" aggrieved by any act of the justices respecting renewals and transfers has a right of appeal.

Refreshment houses.—No justices' certificate is needed to enable a person to obtain a refreshment house license.

Illicit sale.—The Licensing Act of 1872 imposes severe penalties of fine and imprisonment on those

who sell intoxicating liquors which they are not licensed to sell.

Sales to children.—The same statute also imposes a fine on the holder of a license who sells spirits to a child apparently under sixteen.

Public order.—There are, moreover, several sections dealing with offences against public order. They render liable to fines all persons found drunk in any public place, or on licensed premises. It has been held, however, that a licensed person found drunk on his own licensed premises after licensed hours, and when the premises are closed to the public, cannot be convicted (*f*). Penalties are imposed on licensed persons who permit drunkenness (being drunk themselves is not "permitting" drunkenness) (*g*) or violent conduct on their premises, or who supply liquor to drunken people, or who allow their premises to become the habitual resort of prostitutes, or to be used as gaming or betting houses. Prostitutes may come to licensed premises for the purpose of getting reasonable refreshment just like any other free citizens, but they cannot be allowed to hang about and ply their trade there. A licensed person cannot be convicted of suffering gaming to be carried on on his premises unless there is some evidence that he or his servants connived at what was going on. But actual knowledge need not be proved. In one case the hall-porter of a hotel had moved his chair to the greatest possible distance from the room in which some people staying in the house were

(*f*) *Lester* v. *Torrens*, 2 Q. B. D. 403.
(*g*) *Warden* v. *Tye*, 2 C. P. D. 74.

gambling, and this circumstance was laid hold of as tending to show that he wilfully shut his eyes and ears (*h*). A very mild and innocent sport may amount to "gaming" if money is played for. The game of "puff and dart" consists of blowing a small dart through a tube with the object of hitting a target. Some men once in a public-house passed away the time in this interesting way; and, to create a little excitement, they agreed that each player should put down an entrance fee of 2*d*., and that the winner should receive a dead rabbit as the prize. The publican was held to have been properly convicted. Cockburn, C.J., however, doubted, saying, "I am inclined to think that the term 'gaming' implies something which in its nature depends on chance, or in which chance is an element. This game does not appear to be one of chance, but of skill, though the skill may not be of a very lofty character" (*i*). A publican who is convicted of any of these offences may, in addition to the penalty, have the offence recorded on his license, and indeed, if he be convicted of keeping a brothel, his license is altogether forfeited. The Act of 1874 imposes a penalty for the sale of liquor on licensed premises at hours during which they are required to be closed (*ii*). It may be sold, however, to *bonâ fide* travellers, to persons lodging in the house, and at railway stations to persons arriving or departing (*k*). A person is not to be deemed a

(*h*) *Redgate* v. *Haynes*, 1 Q. B. D. 89.
(*i*) *Bew* v. *Harston*, 3 Q. B. D. 454.
(*ii*) It is no defence that the defendant was not licensed by the justices, but only by the Excise. *Martin* v. *Barker*, W. N, May 28th, 1881.
(*k*) 37 & 38 Vict. c. 49, s. 10.

bonâ fide traveller unless the place where he lodged during the preceding night is at least three miles (calculated by the nearest route, *e.g.* across the water) (*l*) from the place where he demands to be supplied with liquor. The publican will have performed his duty in the matter if he took all reasonable precautions to ascertain whether or not the purchaser was a *bonâ fide* traveller, and really believed him to be one. A purchaser who falsely pretends to be a *bonâ fide* traveller may be proceeded against and fined.

The landlord, it has been held, cannot, on the arrival of the closing hour, convert customers into private friends, however *bonâ fide* may be the invitation (*ll*).

In proceedings under the Licensing Acts the defendant and his wife are competent witnesses, and may be summoned by the informant to give evidence in support of his case. When the holder of a license is convicted under the Act of 1872 or that of 1874, the court cannot, except in the case of a first offence, reduce the penalty to less than 20*s.*, but the convicted person, if he considers himself aggrieved, may appeal to the quarter sessions to have his conviction varied or quashed.

Habitual drunkards.—By an Act of 1879 (*m*) provision is made for the care and custody of "habitual drunkards," who may, on their own application written and signed, enter into retreats appointed for that purpose. Such an application must be supported by the statutory declaration of two persons that the applicant

(*l*) *Coulbert* v. *Troke*, 1 Q. B. D. 1.
(*ll*) *Corbet* v. *Haigh*, 5 C. P. D. 50.
(*m*) 42 & 43 Vict. c. 19.

is an habitual drunkard, and it is required that two justices shall satisfy themselves that he really is so, and shall make him clearly understand the effect of his application. They must also attest his signature to the application. After his admission into the retreat the habitual drunkard becomes a prisoner, and must obey the regulations of the place. But he cannot be detained longer than twelve months, and a justice is empowered to grant him leave of absence to reside with a trustworthy and respectable person for a limited time.

Married Women.

Desertion.—When a wife has been deserted by her husband without reasonable cause, and is doing her best to earn an honest livelihood, she may (*n*) come to the justices in petty sessions (to a police magistrate, of course, in the Metropolitan district) and get them to make an order protecting her earnings and property acquired since the desertion from the gentleman who might otherwise find it convenient to call himself her husband, and from his creditors.

The woman who asks for this *protection order* (as it is called) must prove—

(1.) The marriage;

(2.) The unjustifiable desertion; and

(3.) That she has something that requires protection.

The earnings, moreover, to entitle to protection,

(*n*) 20 & 21 Vict. c. 85, s. 21.

must be *the lawful earnings of lawful industry.* It has been held, for instance, that a married woman deserted by her husband cannot be allowed to obtain an order protecting earnings acquired by keeping a bawdy house (*o*).

If the order is granted, the married woman's earnings and property acquired since the desertion belong to her just as if she were a *feme sole.* But it is necessary that the order should be entered with the registrar of the county court of the district in which the woman resides within ten days of its being made. During the continuance of the order she may sue, and be sued, not only in contract but also in tort (*p*).

The magistrates who make a protection order may afterwards, on good cause being shown them, order it to be discharged. They cannot, however, do this on the application of the wife alone. But the husband or the creditors may apply, and, in doing so, may controvert the facts on which the order was originally made.

Aggravated assaults.—Married women are still further protected against bad husbands by 41 Vict. c. 19, s. 4. The court before whom a man is convicted of an aggravated assault within the meaning of 24 & 25 Vict. c. 100, s. 43, upon his wife, may, if they think her future safety is in peril, order that she shall be no longer bound to cohabit with her husband, "and such order shall have the force and effect in all respects of a decree of judicial separation on the ground of cruelty." The order may also (unless the wife has been guilty of

(*o*) *Mason* v. *Mitchell*, 34 L. J. Ex. 68.
(*p*) *Ramsden* v. *Brearley*, L. R. 10 Q. B. 147.

adultery which has not been condoned) provide for the payment of a weekly sum by the husband to the wife, and for her having the legal custody of the children under ten, whether boys or girls. If, however, after the making of the order the wife is guilty of adultery, the court who made the order may discharge that part of it which refers to the payment of money and the custody of the children. The word in the statute being "may," and not "shall," it would seem that they are not bound in such a case to discharge that part of their order, but may take the whole of the circumstances into their consideration.

An appeal lies from any order under 41 Vict. c. 19, s. 4, to the Probate and Admiralty Division.

Master and Servant.

Employers and Workmen Act, 1875.—For the settlement of disputes involving but small amounts, and such as are constantly arising between employers of labour and those employed by them, a cheap and convenient course of procedure has been instituted by the Employers and Workmen Act, 1875 (*q*). When the dispute to be determined is in respect of a sum not greater than £10, a court of summary jurisdiction, consisting of two or more justices, is authorised to exercise powers co-extensive with those conferred on courts

(*q*) 38 & 39 Vict. c. 90.

having civil jurisdiction. The justices may order the payment of wages or damages due, and they may make allowance for any set-off "arising out of, or incidental to, the relation between" employer and employed. They are further empowered to rescind the contract of service upon such terms as they may think fit, and from their decision the unsuccessful litigant has no right of appeal. The court, too, may order payment to be made by instalments, and, if a petty sessional court, may commit a defaulter to prison for non-payment on proof being given that he has, or since the date of the order has had, sufficient means of discharging his liability.

Meaning of "workman."—The salutary provisions of this statute do not, however, extend to a domestic or menial servant: they are limited to a "workman" as defined by the Act itself; that is, one who is a "labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour" (*r*). It is by no means necessary that the "workman" to be brought within the statute should have been in the employer's *exclusive* service, but he must have undertaken to give his *personal labour*. If he merely engages that the work shall be done and not that he will do it, he becomes a "contractor," not a "workman."

A very recent case under the Act is *Grainger* v. *Aynsley* (*s*) (decided at the same time with *Bromley* v. *Tams*), where the respondents were earthenware manu-

(*r*) Sec. 10.
(*s*) 50 L. J., M. C. 48

facturers, and the appellant had been in their employ as a "potters' printer." The custom of the trade is for the potter's printer to find his own "transferrer," an assistant (generally a woman) without whom the potter's printer cannot work. The respondents found it necessary, in consequence of the bad times, to reduce the wages of their servants. The appellant consented to work at the reduced rate, and regularly presented himself each day for that purpose. The transferrers, however, all struck, and so the appellant was unable to do anything. He was summoned accordingly, under the Employers and Workmen Act, 1875, for absenting himself from the respondents' employment, and was ordered to pay damages by a court of summary jurisdiction. It was held on appeal that there had been a "dispute" within the meaning of the Act, and that the appellant was a "workman" and not a contractor.

The Act formerly did not apply to seamen; but on this subject the reader is referred to the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104, s. 188), and to 43 & 44 Vict. c. 16, s. 11.

Application of the Act to apprentices.—The Act also extends its beneficial operation to a certain class of apprentices, namely, those who are "apprentices to the business of a workman" as above defined, and upon whose binding the premium paid was not greater than £25, or who were bound under the Acts relating to the relief of the poor. The court of summary jurisdiction has power to hear and determine any dispute between such an apprentice and his master arising out of

matters incidental to their mutual relationship; and, if the court rescinds the instrument of apprenticeship, it may in its discretion order any part of the premium to be repaid to the apprentice.

Truck Act.—A somewhat curious enactment known as the "Truck Act" (*t*) enables justices, by the imposition of fines, to restrain masters from entering into contracts to pay their servants' wages otherwise than in the current coin of the realm. There are, however, certain exceptions to this restrictive rule, as in the case of domestic or agricultural servants, or of agreements to supply medical attendance, fuel, tools, and food under the employer's roof in addition to the stipulated pecuniary wages.

Conspiracy and Protection of Property Act, 1875.—The "Conspiracy and Protection of Property Act, 1875" (*u*) invests justices with authority to inflict special punishments for breaches of contract by persons employed in the supply of gas or water; or where the probable consequences of the breach are to endanger human life, cause serious bodily injury, or expose valuable property to destruction. The statute, further, gives justices power to punish a master who seriously impairs the health of his servant or apprentice by "wilfully and without lawful excuse" neglecting to supply him with the needful food, clothing, medical aid, or lodging.

It may be added that, on the hearing of proceedings under this statute, the parties to the contract of service,

(*t*) 1 & 2 Will. IV., c. 37.
(*u*) 38 & 39 Vict. c. 86.

and their husbands or wives, are permitted to give their testimony on oath.

Where the penalty imposed by the statute amounts to £20 or consists of imprisonment, the accused may on his appearing object to the jurisdiction of the justices, and claim to have his offence prosecuted on indictment.

Paupers.

Poor rates.—No one need starve in England. An elaborate system exists for the collection of money with which to maintain our pauper citizens. Every occupier of land, whether residing on it or not, is required to contribute in proportion to the value of his property. The rate thus imposed is laid in respect of the value of the *occupation* of the rateable subject, and not in respect of the value of the rateable subject itself. Railway companies, for instance, who pay rates like other occupiers, are not assessed according to the amount of capital originally expended in constructing the portion of the line which is to be rated, but according to the amount and value of the traffic on that particular part of their system.

Meaning of "occupation."—And, speaking generally, all occupiers of lands or houses, whether for pleasure or business, are rateable according to the value of their occupation, if it is capable of yielding a profit, however small. An electric telegraph company, for instance,

have been held liable to be rated in respect of their wires and posts placed along the line of a railway company (*x*) and a tramway company in respect of their occupation of a street (*y*). But it was held in another case that the Oxford University Boat Club were not rateable for posts to which a barge was moored in the river Isis, there being no evidence by whose authority they had been placed there, and no rent having ever been paid for their use (*z*). "There does not seem," said Cockburn, C.J., "to be any exclusive occupation in the club, and, inasmuch as exclusive occupation must necessarily be the foundation of their rateability, it seems to me it would be wrong in this case to say that this property in their hands is capable of being rated." It has been held, again, that a person is not liable to be rated in respect of temporary hoardings put up for advertising purposes on another man's land by permission of the owner, and in consideration of a yearly payment (*a*). In the case referred to, the law was most lucidly laid down by Lush, J., as follows:—"The question we have to decide is whether the appellant was an 'occupier of land,' within the meaning of the statute of Elizabeth. It is not easy to give an accurate and exhaustive definition of the word 'occupier.' Occupation includes possession as its primary element, but it also includes something more. Legal possession does not of itself constitute an occupation. The owner of a vacant house is in possession, and may maintain trespass

(*x*) *Electric Telegraph Co.* v. *Salford*, 11 Ex. 181.
(*y*) *Pimlico Tramways Co.* v. *Greenwich*, L. R. 9 Q. B. 9.
(*z*) *Grant* v. *Oxford Local Board*, L. R. 4 Q. B. 9.
(*a*) *Reg.* v. *St. Pancras Assessment Committee*, 2 Q. B. D. 581.

against any one who invades it, but as long as he leaves it vacant he is not rateable for it as an occupier. If, however, he furnishes it, and keeps it ready for habitation whenever he pleases to go to it, he is an occupier, though he may not reside in it one day in a year. On the other hand, a person who, without having any title, takes actual possession of a house or piece of land, whether by leave of the owner or against his will, is the occupier of it. Another element, however, besides actual possession of the land, is necessary to constitute the kind of occupation which the Act contemplates, and that is *permanence*. An itinerant showman who erects a temporary structure for his performances may be in exclusive actual possession, and may, with strict grammatical propriety, be said to *occupy* the ground on which his structure is placed, but it is clear that he is not such an occupier as the statute intends. As the poor-rate is not made day by day, or week by week, but for months in advance, it would be absurd to hold that a person who comes into a parish with the intention to remain there a few days, or a week only, incurs a liability to maintain the poor for the next six months. Thus a transient, temporary, holding of land is not enough to make the holding rateable. It must be an occupation which has in it the character of permanence —a holding as a settler, not as a wayfarer. These I take to be the essential elements of what is called a beneficial or rateable occupation, and to these tests we must revert in cases like the present, which seem to be on the borderland, and to present at first sight considerable difficulty. When the subject of occupation is not

a surface area—which is the idea primarily suggested by the phrase 'occupier of land'—but only a small portion of the soil, so much of it as contains a post, a pipe, or a rail, the element of permanence or its absence is shown by the way in which the post, &c., is connected with the soil. . . . It would be an abuse of language to say that the owner of a post lying upon the ground is thereby occupier of the ground upon which the post rests, however long it may be there; but if the post is inserted into the ground, or otherwise so attached to it that it cannot be severed from the land without breaking up the soil, it has become one with the soil, and the owner of the post is thereby occupier of the soil to which it is annexed. This element pervades the cases of water-mains, gas-mains, telegraph posts, tramways, mooring-posts, and other like cases; in all of which, where the rateable quality has been affirmed, the ruling idea is that by the mode of attachment the chattel has been merged in the soil, so that by means of that which has been imbedded in or fixed to the land, the owner of it occupies the land itself. Tried by this test, which explains and reconciles the cases cited in the argument, the appellant is not occupier of any land by means of the hoarding in the first case or the poles in the other. It is impossible to hold that any land was demised to him in either case. What he paid for was merely a license to use the premises as he did. The distinction which the justices have made between the two cases cannot be maintained. In neither case has anything been so annexed to the soil as to become a fixture. In the second case, which is the stronger of

the two, the poles are merely let into the ground in holes dug for the purpose, but they are not in any way attached to the soil, and may be removed without disturbing it. They are as much chattels as if they lay upon the ground instead of standing on it." By way of further illustration, a recent case may be mentioned in which an unsuccessful attempt was made to rate the holder of a moveable stall in a market (*b*). The appellant rented the stall, used it on market days, and had a right to retain the same relative position in the row of stalls; but there was no agreement that it should always stand on the same identical spot. In giving judgment, Field, J., observed, "No right is given to any definite portion of the ground with a right to exclude anybody else. All that appears is that the appellant is in the habit of coming on market days to the place or spot. But without the exclusive right he does not become the occupier. I quite agree that this is not a case in which the appellant is liable to be rated."

Property exempt from poor-rates.—Land or houses belonging to the Crown are not liable to be rated. But persons occupying them beneficially (*e.g.*, having a suite of rooms in Hampton Court Palace) (*c*) may be rated.

Buildings too, occupied by a society instituted solely for the purpose of science, literature, or the fine arts, and affording no pecuniary advantages to its members, are exempt, if certified under the Friendly Societies Act. But a society, the primary object of which is the acqui-

(*b*) *Spear* v. *Bodmin Union*, 49 L. J., M. C. 69.
(*c*) *Reg.* v. *Ponsonby*, 3 Q. B. 14.

sition and advancement of scientific knowledge in the interests of a particular profession (*e.g.*, the Institution of Civil Engineers) is not so entitled to exemption (*d*).

Churches and chapels, municipal corporations, turnpike roads, lunatic asylums, and volunteer armouries, are also to a great extent exempted from liability to pay rates (*e*).

Enforcement of poor-rates.—A poor-rate is made by the majority of the churchwardens and overseers, and it must be allowed by two justices, who, however, cannot refuse the allowance if the rate is good on the face of it. A person who fails to pay his poor-rates may be summoned before the justices, and a distress warrant may then be issued against him. If no goods can be found, he may be sent by two justices to prison for three months. The magistrates in issuing a warrant of distress cannot inquire into the validity of a rate good upon the face of it; but if it is said that the person rated has no rateable property at all within the parish, they may then interfere. If, however, the rate is objected to on grounds which may render it invalid, the more prudent course is for the justices to decline to act except in obedience to a mandamus. It may be added that a justice of the peace, sitting to issue a warrant of distress for the recovery of poor-rates, is not a court of summary jurisdiction within the Act of 1879, and the provisions in that Act do not apply to poor-rates (*f*).

(*d*) *Reg.* v. *Institution of Civil Engineers*, 49 L. J., M. C. 34.
(*e*) As to *successive occupation*, see the recent case of *Hare* v. *Overseers of Putney*, L. J. Notes of Cases, May 28th, 1881.
(*f*) *Reg.* v. *Price*, 5 Q. B. D. 300.

Appeal.—Any one who considers that he has been improperly rated, on the ground that he ought not to have been rated at all, or the rate is unequal, or that it is bad on the face of it, or that it is not made by proper persons, and for proper purposes, and for the proper period, may appeal to the Quarter Sessions on giving fourteen days' notice of his intention so to do, and of the grounds of his appeal. There are also special sessions for appeals against the poor-rates held in every petty sessional division at least four times a year. Against a decision of special sessions an appeal lies to the next quarter sessions. No person, however, can appeal against a poor-rate made in conformity with the valuation list approved by the assessment committee, unless he has given notice of objection against the list, and has failed to obtain such relief as he deems just (*g*). The sessions on appeal may quash the rate, or amend it in such manner as may be necessary for giving proper relief; but they may not alter it in respect of persons other than those before the court. They may, too, state a case for the opinion of the Queen's Bench division, and decide the appeal subject to that case.

Settlement.—When a person becomes a pauper, he has a right to obtain relief from the last parish or place in which he has gained what is called a "settlement."

A settlement may arise from the act of the individual himself, or by derivation in right of somebody else who has previously acquired it. If, indeed, it appears that the pauper has not obtained any settlement either by his own act or by derivation, he may then resort to a

(*g*) See, however, *L. & N. W. Ry. Co.* v. *Walsall*, 41 J. P. 149.

settlement gained by the mere fact of his having been born in a particular parish. But this birth-settlement is a last resource, to be turned to only when no other can be shown to exist.

Settlements arising from act of party.—There are five modes in which a settlement may arise from the act of the party himself, viz. :—

(1.) *By residence in a parish for three years, so as to be irremoveable.*

But if the residence came to an end before the passing of 39 & 40 Vict. c. 61, no such settlement arises.

(2.) *By ownership of an estate in land, however small.*

In order, however, to gain this settlement by estate the party must reside forty days in the parish in which his estate lies, and whilst his interest in it continues. Moreover, the right to relief only exists so long as he resides within ten miles of the parish. And if the estate was purchased by him for a less sum than £30, the right does not remain for any further time than he actually inhabits such estate.

(3.) *By renting and occupying a tenement in a parish for a year at a rent of* £10.

One year's rent must have been actually paid, and so must a year's poor-rates in respect of the tenement. A forty days' residence is necessary to complete the settlement.

(4.) *By payment of rates and taxes in respect of a tenement of the yearly value of* £10.

In order to acquire a settlement by paying parochial rates, all the conditions which suffice to confer a settle-

ment by renting a tenement must be fulfilled, and the party must in addition inhabit and reside in the parish forty days after he has paid such rates.

(5.) *By being bound apprentice under a deed, and inhabiting for forty days whilst serving under it.*

The residence for forty days must be in furtherance of the apprenticeship indentures. An apprentice, for instance, who is allowed by his master, as a matter of indulgence merely, to sleep in another parish, gains no settlement there. But the residence need not be in the house of the master, or even in the same parish. Thus, it has been held that an apprentice who went to lodge at his mother's in a neighbouring parish to that of his master, in order to get cured of a disorder, but who continued all the time to serve his master by going errands for him, &c., gained a settlement in the parish where he lodged (*f*). In a previous case (*g*), however, Lord Mansfield has held that a pauper going with his master to Scarborough, and staying there forty days, did not gain a settlement in that town, the residence of the master there being merely casual. To hold that he gained a settlement there, Lord Mansfield said, would be a very great hardship on the parish of Scarborough, "the place of public resort." But where a cordwainer and apprentice, after residing together for nearly a year at Chelmsford, both joined the Essex militia, whose headquarters were at Braintree, it was held that forty days' residence at the last-mentioned place, during which he was at the same time serving his master and

(*f*) *R.* v. *Stratford on Avon*, 11 East, 176.
(*g*) *R.* v. *Alton*, Burr. S. C. 418.

performing his military duties, gave the apprentice a settlement there, notwithstanding the fact that they were both under the control of their officers all the time (*h*). The forty days, it may be remarked, need not be consecutive days.

No settlement can be gained by apprenticeship to the sea-service ; but it may be interesting (to say the least of it) to the reader to know that a solicitor's articled clerk may gain a settlement as an apprentice (*i*).

Settlements gained before August 14th, 1834 (the date of the Poor Law Amendment Act), are subject to other considerations, with which the reader need scarcely at this time of day trouble himself.

Derivative settlements are now to a great extent abolished. The Act of Parliament 39 & 40 Vict. c. 61, s. 35, has provided that no one shall be deemed to have derived a settlement from any other person, whether by parentage, estate, or otherwise, except in the case of wives and children. A wife, immediately she marries, takes her husband's settlement, and continues to take any new one he may obtain until his death. After his death she retains his last settlement till she acquires one for herself. But marriage has the effect rather of suspending than of destroying a woman's maiden settlement. If, for instance, he deserts her, and it does not appear that he has any settlement, she is then removed to the place of her maiden settlement. And if a wife deserted by her husband resides apart from him for three years in such a manner as would, if she were a

(*h*) *Reg.* v. *Chelmsford*, 3 B. & Ald. 411.
(*i*) *Clapham* v. *St. Pancras*, 29 L. J., M. C. 141.

widow, render her exempt from removal, she then acquires a status of irremoveability, unless her husband returns to cohabit with her (*k*). A wife, living with her husband, cannot in any event be removed from him except with the consent of both parties.

A child born in lawful wedlock takes the settlement of its father, or of its widowed mother, as the case may be, and retains it at least till it is sixteen. After that age it may gain a settlement of its own, but, till it does so, it keeps the derivative one. It should be added, however, that a child gains no settlement by the second marriage of its widowed mother. An illegitimate child takes its mother's settlement until it acquires one for itself; but an illegitimate child under sixteen does not take its mother's settlement when such settlement has been derived from her marriage (*l*).

Mode of removal.—When the guardians of a union consider that they are maintaining a pauper who is not properly chargeable to them, they may apply to two justices for an order for his removal to the place of his last legal settlement. No person can, however, be removed until twenty-one days after a notice in writing of his being chargeable has been sent to the parish to which the order of removal is directed, unless, indeed, the guardians of the last-named place agree to submit to the order (*m*). And it is now provided that no person is to be removed, nor is any warrant to be granted for the removal

(*k*) 24 & 25 Vict. c. 55, s. 3; and see *Reg.* v. *Maidstone*, 5 Q. B. D. 31.
(*l*) *Manchester* v. *St. Pancras*, 4 Q. B. D. 393.
(*m*) 28 & 29 Vict. c. 79, s. 8.

of any person from any parish in which he has resided for one year next before the application for the warrant.

Appeal against removal.—The parish to which the order of removal is directed, and even the pauper himself, may give notice of appeal against the order. And if this notice is received within the twenty-one days, the pauper cannot be removed until after the time for prosecuting an appeal at quarter sessions has expired.

Sureties of the Peace.

When any one has reasonable ground for believing that another intends him some personal injury, he may come before a court of summary jurisdiction and ask that his enemy shall be compelled to enter into a recognisance with sureties to keep the peace towards him. Generally, it is necessary for the complainant to show that the person from whom he apprehends violence has made use of threats towards him. But it will be sufficient to prove gestures or conduct of a threatening character. Mere words of abuse, however—no matter how provoking and exasperating they may be—will not do. And if the threat was merely conditional, on the complainant's doing something which he had not a distinct right to do, the application will not be entertained (*n*). The applicant is required to support his complaint and request with his oath, but writing is not necessary. He may make the application not only on his own behalf,

(*n*) *Reg.* v. *Mallinson*, 16 Q. B. 367.

but also on behalf of his wife or child. The injury threatened must, except in the case of a threat to burn down an inhabited house, be of a personal nature.

Up to quite recently a defendant was not allowed fully to meet the allegations made against him. All he could do was to show that the words alleged to have been used by him did not bear the construction placed on them by the applicant, or that the applicant was actuated by malice in taking the proceedings. But he could not go further into the merits of the case than that. This curious state of the law has been remedied by the Summary Jurisdiction Act, 1879 (*o*), and a defendant is now entitled to make his full defence as in any other case.

If the court thinks that the applicant is entitled to the protection asked for, it may require the defendant to enter into a recognisance to appear at the next quarter sessions to be dealt with there, and to keep the peace in the meantime; or it may order him to enter into a recognisance, with or without sureties, to keep the peace for a specified period. Supposing that the defendant cannot or will not comply with this order, he may be sent to prison; for fourteen days only, if the the court is a mere court of summary jurisdiction, but for six months, if it is a petty sessional court. After committal to prison, however, any petty sessional court for the same district may "inquire into the case of the person so committed, and if upon new evidence produced to such court, or proof of a change of circum-

(*o*) Sec. 25.

stances, the court think, having regard to all the circumstances of the case, that it is just so to do," they may vary the order in any way they think proper (*p*).

Apart from complaints by individuals of personal violence threatened them, a man may be bound over by a justice to keep the peace if his language or conduct is such as to incite people to a breach of it. The notorious fanatic Murphy, for instance, who used to go about delivering inflammatory harangues against Popery, was bound over to keep the peace.

Binding over to be of good behaviour.—"The good behaviour," it has been said by an old writer, "doth include the peace, and besides importeth some greater or other matter of misbehaviour, and for which the surety of the peace is not to be granted" (*q*). The authority of a justice to bind persons over to be of good behaviour is derived from 34 Edw. III. c. 1, which is directed against "them that be not of good fame." It will be seen that it is not essential that the person bound over to be of good behaviour should have had any intention or wish to disturb the peace. All that is necessary is that he should be a bad character generally. Gamblers, for instance, frequenters of bawdy-houses, loafers about refreshment bars, thimble-riggers, spiritualists, exponents of the three-card trick, &c., &c., might probably be dealt with in this way. Thus, in a late case at Manchester, a number of men who had attended a fancy dress ball, dressed up as women, for the purpose of indulging in familiarities and improprieties at variance

(*p*) 42 & 43 Vict. c. 49, s. 26.
(*q*) Dalt. c. 123.

with public morals, were bound over to be of good behaviour for twelve months.

This distinction is to be observed between sureties for a man's keeping the peace or being of good behaviour, and sureties for a defendant who is released on bail, that the former class of sureties cannot, like the latter, surrender their principal, and become free from further responsibility, but remain liable for the whole of the time they have undertaken to be.

Vaccination.

For the prevention, as far as possible, of the spread of filthy diseases some beneficial laws exist (*r*) requiring all persons to have their children vaccinated.

Within three months of its birth, the parent or guardian of every child must have it vaccinated, on pain of a penalty of 20*s*. A certificate, however, may be obtained from the public vaccinator, or from a doctor, that the child is not in a fit state at present to undergo the operation; and while it remains in force, of course, the parent will not be liable to the penalty. The certificate remains in force for two months only; but it may be renewed, if necessary.

If a vaccination officer informs a justice of the peace that he has reason to believe that a child in his district under the age of fourteen has not been successfully vaccinated, and that the parent has disregarded all notices and remonstrances on the subject, the justice

(*r*) 30 & 31 Vict. c. 84, 34 & 35 Vict. c. 98, and 37 & 38 Vict. c. 75.

may have the man and his child brought before him, and if he finds that the child has not been vaccinated, and has not already had the small-pox, he may make an order that it is to be vaccinated within a certain time.

Any one who prevents the public vaccinator from taking lymph from a child is liable to a penalty of 20*s*.

Vagrancy.

The Vagrant Act (5 Geo. IV., c. 83) has reference to three classes of offenders. The first of these comprises, under the name of *idle and disorderly persons*, all those who neglect to maintain their families, who return to or become chargeable to any parish from which they have been legally removed, who trade as pedlars without licenses, who, being prostitutes, behave in a riotous or indecent manner in public places, and who go about begging alms. These persons are punishable with one month's hard labour; but since the passing of the Summary Jurisdiction Act, 1879, magistrates may now, in the case of a first offence, mitigate the punishment or inflict a fine. Various statutes besides the Vagrant Act have provided that offenders shall be deemed to be idle and disorderly persons. Chief among these is 7 & 8 Vict. c. 101, s. 6, which brings within the Act any woman who neglects to maintain her bastard child, such a provision having been rendered necessary by a decision that the Vagrant Act as it stood did not apply to illegitimate children (*R.* v. *Maude*, 11 L. J. M. C. 120). Fraudulent applications for relief are also brought within the Act by 11 & 12 Vict. c. 110, s. 10; 34 & 35

Vict. c. 108, s. 7; 39 & 40 Vict. c. 61, s. 44. The second class of offenders are called *rogues and vagabonds*, and include fortune-tellers, persons lodging in barns or unoccupied buildings, or in the open air, having no visible means of subsistence, and not giving good account of themselves; persons exposing indecent pictures or the like, or the person in any public street; persons exposing wounds to obtain alms; persons obtaining charitable contributions by false pretences; persons who run away and leave their families chargeable to the parish; persons gaming in public places (under 36 & 37 Vict. c. 38, s. 3); persons found by night having picklocks or offensive weapons with intent to break into any building or to commit felony; reputed thieves, &c. This class also includes persons who are guilty of any offence comprised under the first class after a previous conviction of a similar offence. All these may be sentenced to three months' hard labour. The third class of offenders rejoice in the title of *incorrigible rogues*. These are vagrants who break out of any place of legal confinement, rogues and vagabonds convicted for the second time, or resisting lawful apprehension. They may be committed to the next general or quarter sessions, and there sentenced to hard labour for one year. Any person found committing an offence against the Act may be arrested without warrant. Any money found on an offender may be applied to his maintenance in prison. A justice may grant a warrant to search any lodging-house where a vagrant is suspected to be harboured or concealed.

APPENDIX.

Abstract of 11 & 12 Vict. c. 42, 11 & 12 Vict. c. 43, and 42 & 43 Vict. c. 49 (*a*).

11 & 12 Vict. c. 42.

"An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to persons charged with indictable offences."

1. Justice may issue summons or warrant, whichever he may think best, in first instance, to secure attendance of person charged with indictable offence committed within his jurisdiction. If offence not committed within jurisdiction, person charged must be residing there. If justice issues summons first, and it is disobeyed, he may then issue warrant.

(As to summons or warrant issued in one jurisdiction for offence committed in another, see sec. 22.)

2. For crimes "committed on the high seas, or in any creek, harbour, haven, or other place in which the Admiralty of England have a claim to have jurisdiction, and in all cases

(*a*) Having regard to the introductory nature of the work, it is thought better to summarise these statutes than to set them out in full. Less space will be occupied, and they will be the more easily referred to or mastered.

of crimes or offences committed on land beyond the seas, for which an indictment may legally be preferred in any place within England or Wales," justice in district where accused resides may issue warrant.

3. This section provides for the issuing of a warrant to apprehend a person against whom an indictment has been found by a grand jury, but who remains at large. If accused is in custody for some other offence, justice may issue warrant to gaoler to keep him there.

4. Warrant of apprehension or search warrant may be issued on Sunday as well as on any other day.

5. This section gives power to persons who are justices for two adjoining counties to act for one of them while residing in the other. And constables apprehending offenders in one such county may take them before such justice in the adjoining county, if he act as a justice in both.

6. County justices may act in town having exclusive jurisdiction but situated within their district; but they must not "act or intermeddle in any matters or things arising within" such town.

7. Detached parts of counties to be considered as belonging to the counties they are surrounded by.

8. When warrant issued in first instance, information must be in writing and on oath. It may be by parol, and without oath, where only summons asked for. No objection allowed to information "for any alleged defect therein in substance or in form, or for any variance between it and the evidence."

9. This section deals with the form of the summons, and the manner in which it is to be served. The constable who served the summons must attend at the hearing to depose, if necessary, to the service. If summons disobeyed, warrant will be issued. No objection allowed to summons or warrant for defect in substance or in form, or for variance between it and evidence, but if accused has been deceived or misled by variance, hearing may be adjourned.

10. This section deals with the form and contents of the warrant, and with the manner in which it is to be executed. It must be under hand and seal of justice issuing, and directed to a constable or other officer of district. "It shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender." It remains in force till executed, and the accused may be arrested under it, not only in the district of the justice issuing it, but, in case of fresh pursuit, in the next adjoining district, and within seven miles of the border of the first-mentioned district. No objection allowed for defect or variance, but hearing may be adjourned if accused has been thereby deceived or misled.

11. If a person against whom a warrant has been issued goes into another district, warrant must be indorsed (backed, as it is called) by a justice of that district, "upon proof alone being made on oath of the handwriting of the justice issuing such warrant." Accused to be brought before justices of district from which warrant emanated, unless prosecutor or some of his witnesses are in district of apprehension, when justice backing may direct accused to be brought before himself or other justices of that district.

12. Warrant issued in England or Wales may be backed in Ireland, and *vice versâ*. Accused to be brought before justice in district where warrant was issued.

13. Warrant issued in England or Wales may be backed in Isles of Man, Guernsey, Jersey, Alderney, or Sark, and *vice versâ*. Accused to be brought before justice in district where warrant was issued.

14. Warrant issued in England, Wales, or Ireland may be backed in Scotland. Accused to be brought before justice in district where warrant was issued.

15. Scotch warrant may be backed in England or Ireland. Accused to be taken before the sheriff, or steward depute or substitute, or some of the justices of the peace, in "the county

or place in Scotland next adjoining to that part of the United Kingdom called England."

16. "If it shall be made to appear to any justice of the peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such justice is likely to give material evidence for the prosecution, and will not voluntarily appear," he must issue his summons to him. If summons disobeyed, warrant will be issued. Warrant will be issued in first instance, on oath that person "will not attend to give evidence without being compelled so to do." Such persons appearing but refusing to be examined or to answer proper questions may be committed for seven days, or till they become more tractable.

17. Justice before whom accused is brought "shall, in the presence of such accused person, who shall be at liberty to put questions to any witness produced against him, take the statement on oath or affirmation of those who shall know the facts and circumstances of the case, and shall put the same into writing, and such depositions shall be read over to and signed respectively by the witnesses who shall have been so examined, and shall be signed also by the justice or justices taking the same." Deposition of witness "dead, or so ill as not to be able to travel," may be read at trial.

18. At conclusion of evidence for prosecution, depositions to be read over to accused. Bench then to ask him if he wishes to say anything, cautioning him that whatever he may say will be put into writing, and may be given in evidence against him at trial. "Provided always, that the said justice or justices, before such accused person shall make any statement, shall state to him and give him clearly to understand that he has nothing to hope from any promise of favour, and nothing to fear from any threat, which may have been holden out to him to induce him to make any admission or confession of his guilt, but that whatever he shall then say may be given in evidence against him upon his trial, notwithstanding such promise or threat."

19. Place where examination taken not to be deemed an open court; "and it shall be lawful for such justice or justices, in his or their discretion, to order that no person shall have access to or be or remain in such room or building without the consent or permission of such justice or justices, if it appear to him or them that the ends of justice will be best answered by so doing."

20. This section empowers justice to bind over prosecutor and witnesses by recognisance, and requires him to transmit recognisances, depositions, &c., to court where trial comes off. Witness refusing to enter into recognisances may be committed to prison till after trial, or till he consents to enter into recognisances.

21. Justice may remand accused for eight days. When remand for longer than three days, warrant necessary; when for less, verbal order sufficient. Accused may be discharged during period of remand "upon his entering into a recognisance with or without a surety or sureties."

22. Person apprehended in one district for offence committed in another may be examined in former district, and, if evidence sufficient, sent for trial in latter. "But if such testimony and evidence shall not in the opinion of such justice or justices be sufficient to put the accused party upon his trial," accused must be sent before justice of district where crime was committed. The remainder of the section deals with the payment of the expenses of conveying accused into the proper county.

23. This section specifies the cases in which accused may be admitted to bail.

24. When justice admits person in prison to bail, he must send gaoler warrant of deliverance under hand and seal requiring him to discharge prisoner, unless detained for some other offence.

25. "When all the evidence offered upon the part of the prosecution against the accused party shall have been heard,

if the justice or justices of the peace then present shall be of opinion that it is not sufficient to put such accused party upon his trial," they must discharge him. "But if, in the opinion of such justice or justices, such evidence is sufficient to put the accused party upon his trial for an indictable offence, or if the evidence given raise a strong or probable presumption of the guilt of such accused party," they must commit him for trial.

(With reference to last part of section, see, however, 30 & 31 Vict. c. 35, s. 3.)

26. This section points out the manner in which accused committed for trial is to be taken to prison, and how expense of conveyance is to be met. If prisoner has money, justices may order him to pay part.

27. Accused sent for trial may have copy of depositions any time before first day of court's sitting on payment of reasonable sum.

28. The forms in the schedule to the Act, "or forms to the same or the like effect, shall be deemed good, valid, and sufficient in law."

29. A stipendiary or metropolitan police magistrate sitting at the proper place "shall have full power to do alone whatsoever is authorised by this Act to be done by any one or more justice or justices of the peace." Act not to affect powers given in Metropolitan Police Acts.

30. Lord Mayor or Alderman of London sitting at Mansion House or Guildhall may act alone. City Police Act not affected.

31. Bow Street Chief Magistrate may be Berkshire justice without qualification by estate or oath of qualification.

32. Act to extend to Berwick, but not to Scotland, Ireland, Isle of Man, Jersey, or Guernsey, except as to backing of warrants. "Nothing in this Act shall be deemed to alter or affect the jurisdiction or practice of Her Majesty's Court of Queen's Bench."

33. Act to come into operation October 2nd, 1848.

34. This section specifies the Acts repealed.

35. "This Act may be amended or repealed by any Act to be passed in the present session of Parliament."

---

11 & 12 Vict. c. 43.

"An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders."

1. When information laid, or complaint made, justice may issue summons to appear and answer same. "Every such summons shall be served by a constable or other peace officer, or other person to whom the same shall be delivered, upon the person to whom it is so directed, by delivering the same to the party personally, or by leaving the same with some person for him at his last or most usual place of abode; and the constable, peace officer, or person who shall serve the same in manner aforesaid shall attend at the time and place and before the justices in the said summons mentioned, to depose, if necessary, to the service of the said summons." Justice not obliged to issue summons "in any case where the application for any order of justices is by law to be made *ex parte*." Defects or variances not to be fatal, but merely ground for application for adjournment.

2. If summons be not obeyed, though served a reasonable time before time appointed for hearing, justice may issue warrant; or case may be heard in defendant's absence. Justice may issue warrant in first instance on information supported by oath.

3. Warrant to be under hand and seal of justice issuing. It "may be directed either to any constable or other person by name, or generally to the constable of the parish or other

district within which the same is to be executed, without naming him, or to such constable and all other constables within the county or other district within which the justice or justices issuing such warrant hath or have jurisdiction, or generally to all the constables within such last-mentioned county or district." It must "state shortly the matter of" the information, and "name or otherwise describe the person against whom it has been issued." It need not be made returnable at any particular time, "but the same may remain in full force until it shall be executed." Defendant may be apprehended at any place within district of justice issuing, "or, in case of fresh pursuit, at any place in the next adjoining county or place within seven miles of the border of such first-mentioned county," &c., without being backed. No objection allowed for want of form in the warrant, or for any variance between it and evidence; but if party charged is deceived by variation, he may be committed or discharged upon recognisance.

4. This section points out the correct way of stating the ownership of the property of partners, counties, &c.

5. Aiders and abettors may be proceeded against and convicted either with the principal, or before or after his conviction; and either in district where principal may be convicted, or where the aiding and abetting was done.

6. Provisions of 11 & 12 Vict. c. 42, whereby justice for district A residing in district B, whereof he is also justice, may act in district A, and whereby county justice may act in borough having exclusive jurisdiction but situated in his district, extended to this Act.

7. On oath or affirmation of credible person that any one within jurisdiction can give material evidence on either side and "will not voluntarily appear," justice must issue summons to him. If summons disobeyed without "just excuse," warrant may be issued. Warrant may be issued in first instance "if such justice shall be satisfied by evidence upon

oath or affirmation that it is probable that such person will not attend to give evidence without being compelled so to do." Persons appearing, but refusing to be examined, may be imprisoned for seven days, or till they consent to be examined.

8. Complaints for an order need not be in writing, unless so required to be by particular Act.

9. Variances between information and evidence not to be material, but merely ground for asking for adjournment if accused has been thereby deceived or misled.

10. Informations and complaints (unless so required by particular Act applying) need not be on oath, except in cases of informations where warrant issued in first instance. Complaint to be for one matter of complaint only, and information for one offence only; "and every such complaint or information may be laid or made by the complainant or informant in person, or by his counsel or attorney, or other person authorised in that behalf."

11. Where no time specified in particular Act, complaint to be made, and information to be laid, within six months of matter arising.

12. If no contrary direction in particular Act, one justice sufficient to hear case. Place of hearing "shall be deemed an open and public court, to which the public generally may have access, so far as the same can conveniently contain them; and the party against whom such complaint is made, or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf; and every complainant or informant in any such case shall be at liberty to conduct such complaint or information respectively, and to have the witnesses examined and cross-examined by counsel or attorney on his behalf."

13. If defendant does not appear at time and place fixed for hearing, justice may, on proof of service of summons,

statute provides no remedy in default of distress, justice may commit defendant to prison for three months, or till payment made.

23. This section gives power to justices, in some cases, to order commitment in first instance for non-payment of a penalty or of a sum ordered to be paid.

24. This section empowers justice to issue warrant of commitment "where a conviction does not order the payment of any penalty but that defendant be imprisoned, or imprisoned and kept to hard labour, for his offence, or where an order is not for the payment of money, but for the doing of some other act, and directs that in case of the defendant's neglect or refusal to do such act he shall be imprisoned." Costs may be levied by distress, and, in default of distress, defendant may be kept in prison a month longer, or till payment made.

25. Justices may direct that imprisonment for subsequent offence shall commence at expiration of term which defendant is already undergoing for previous offence.

26. If information dismissed with costs, they may be levied by distress on goods of prosecutor, who, in default, may be sent to gaol for a month, or till payment.

27. After unsuccessful appeal against conviction or order justice may issue warrant of distress or commitment for execution, as if no such appeal had been brought. The remainder of the section points out the manner in which the costs of an appeal are to be recovered. Certificate of costs not having been paid granted by clerk of peace authorises justice to issue warrant of distress.

28. On payment of penalty and expenses of distress, constable shall cease to execute warrant; or the party, if imprisoned, shall be discharged.

29. One justice sufficient to transact all matters preliminary to hearing, "and after the case shall have been so heard and determined, one justice may issue all warrants of distress

or commitment thereon." When two justices are required for the hearing of a case, or the making of a conviction or order, "such justices must be present and acting together during the whole of the hearing and determination of the case."

30. This section prescribes regulations as to payment of clerks' fees.

31. This section points out who is the right person to pay penalties to, and requires clerks and gaolers to keep and render careful accounts of monies received.

32. The forms in the schedule, "or forms to the like effect, shall be deemed good, valid, and sufficient in law."

33. This section gives power to metropolitan police magistrates, and stipendiary magistrates in other places, when sitting at their regular police courts, "to do alone whatsoever is authorised by this Act to be done by any one or more justice or justices of the peace."

34. London Lord Mayor or any alderman sitting at Mansion House or Guildhall may do alone any act which is directed to be done by more than one justice.

35. Act not to apply to cases of removal of paupers; lunatics; excise, customs, stamps, taxes, or post-office; or bastardy. (See, however, 42 & 43 Vict. c. 49, ss. 54 & 55.)

36. This section specifies the repealed statutes.

37. Act to apply to Berwick-on-Tweed, but not to Scotland or Ireland, or to Isles of Man, Jersey, Guernsey, Alderney, or Sark, except as to backing warrants.

38. Act to come into operation October 2nd, 1848.

39. Act liable to be amended or repealed in same session of Parliament.

42 & 43 Vict. c. 49.

"An Act to amend the Law relating to the Summary Jurisdiction of Magistrates."

1. Act may be cited as the Summary Jurisdiction Act, 1879.

2. Act not to extend to Scotland or Ireland.

3. Act to come into operation on January 1st, 1880.

Part I.

Court of Summary Jurisdiction.

4. This section gives the justices power to mitigate the punishment in certain cases. For instance, they may sometimes fine a defendant £25 or less where they could not formerly have inflicted any punishment except imprisonment.

5. When the justices send a man to prison for "non-payment of any sum of money adjudged to be paid by a conviction, or in respect of the default of a sufficient distress to satisfy any such sum," the period of imprisonment must not exceed the maximum fixed by a scale set out in the section. "And such imprisonment shall be without hard labour, except where hard labour is authorised by the Act on which the conviction is founded."

6. Where money claimed to be due is recoverable on complaint, and not on information, it is to be deemed to be a civil debt. So as to costs ordered to be paid on either side. (This and section 35 must be read together.)

7. Justices "by whose conviction or order any sum is adjudged to be paid" may (1) allow time for payment; (2) direct payment by instalments, or (3) take security. "Where a sum is directed to be paid by instalments, and default is made in the payment of any one instalment, the same proceedings may be taken as if default had been made in payment of all the instalments then remaining unpaid."

8. Where fine adjudged by conviction to be paid does not exceed 5*s.*, "then, except so far as the court may think fit to expressly order otherwise, an order shall not be made for payment by the defendant to the informant of any costs." The magistrates may order the fine, or any part of it, to be paid to the informant in or towards the payment of his costs.

9. (1.) Court of summary jurisdiction may declare recognisance of person not appearing, or not doing other thing undertaken to be done, to be forfeited, and enforce payment. But any time before sale of goods under warrant of distress for sum due the forfeiture may be cancelled or mitigated on person applying giving security, or on other conditions.

(2.) Court of summary jurisdiction may enforce recognisances, whether of principal or surety, conditioned to keep the peace, to be of good behaviour, or to abstain from doing something. It must be proved that the principal has been convicted of an offence which is in law a breach of the condition of the recognisance.

(3.) Recognisances need not be transmitted, nor forfeiture certified, to the quarter sessions, "except where a person seeking to put in force a recognisance to keep the peace, or to be of good behaviour, by notice in writing, requires" it.

(4.) Payment to be made to clerk of court.

10. This section gives the magistrates power to deal summarily with cases of children (*i.e.*, persons under 12) charged with "any indictable offence other than homicide." The child's own consent to this course is not necessary, but that of his parent or guardian (if present) is.

11. Young person (*i.e.*, between 12 and 16) charged with simple larceny, offence punishable as simply larceny, larceny from person, larceny as clerk or servant, embezzlement, receiving stolen goods, &c., or with certain railway or post-office offences, may, with his own consent, if the magistrates "think it expedient so to do, having regard to the character and antecedents of the person charged, the nature of the

offence, and all the circumstances of the case," be dealt with summarily.

12. Adult (*i.e.*, person over 16) charged with stealing, &c. where value is less than 40*s.*, or with attempt to commit simple larceny, or larceny from the person, or larceny as clerk or servant, may, with his own consent, and if the magistrates think it expedient so to do, having regard," &c., be dealt with summarily.

13. Adult charged with any of the indictable offences referred to in section 11 (where value is immaterial) may be dealt with summarily, if he pleads guilty.

14. When adult charged with indictable offence has been previously convicted on indictment, so that if convicted again by a jury he might be sent into penal servitude, the magistrates are bound to commit.

15. "A child on summary conviction for an offence punishable on summary conviction under this Act, or under any other Act, whether past or future, shall not be imprisoned for a longer period than one month, nor fined a larger sum than forty shillings."

16. If magistrates "think that, though the charge is proved, the offence was in the particular case of so trifling a nature that it is inexpedient to inflict any punishment, or any other than a nominal punishment," they may dismiss the information without convicting at all, or may convict and simply take security, with or without sureties, for the defendant's appearing for sentence when called upon, or for his being of good behaviour. "Provided that this section shall not apply to an adult convicted in pursuance of this Act of an offence of which he has pleaded guilty, and of which he could not, if he had not pleaded guilty, be convicted by a court of summary jurisdiction."

17. (1.) Person charged "with an offence in respect of the commission of which an offender is liable on summary conviction to be imprisoned for a term exceeding three months,

and which is not an assault, may, on appearing before the court and before the charge is gone into, but not afterwards, claim to be tried by a jury," and the proceedings will then be just as if the charge were of an indictable offence.

(2.) The court must always take care to inform the defendant of the right which this section gives him.

(3.) The section is not to apply to a child (*i.e.*, one under 12) whose parent or guardian is not present to make the claim on its behalf.

18. "A court of summary jurisdiction shall not by cumulative sentences of imprisonment (other than for default of finding sureties), to take effect in succession in respect of several assaults committed on the same occasion, impose on any person imprisonment for the whole exceeding six months."

19. Appeal allowed to quarter sessions ("general or quarter") in every case where defendant has been sent to prison without option of fine "either as a punishment for an offence, or, save as hereinafter mentioned, for failing to do or to abstain from doing any act or thing required to be done or left undone." If he pleaded guilty, however, he may not appeal. "Provided that this section shall not apply where the imprisonment is adjudged for failure to comply with an order for the payment of money, for the finding of sureties, for the entering into any recognisance, or for the giving of any security."

(For conditions of appealing see section 31.)

20. (1.) Cases must be heard in open court.

(2.) "Open court means a petty sessional court-house or an occasional court-house."

(3.) A petty sessional court-house is the regular place of assembling.

(4.) An occasional court-house "means such police station or other place as is appointed" to be used sometimes.

(5.) Places are from time to time to be fixed by the justices

of a petty sessional division of a county to be used as occasional court-houses.

(6.) "A court of summary jurisdiction consisting of two or more justices when sitting in a petty sessional court-house is in this Act referred to as a petty sessional court."

(7.) Justices sitting in an occasional court-house cannot imprison for longer than fourteen days, nor inflict a greater fine than 20*s*. A justice sitting alone in a petty sessional court-house has his powers similarly curtailed.

(8.) Indictable offences can only be dealt with summarily under this Act on days specially appointed for that kind of work.

(9.) "Any case arising under this Act, other than such indictable offence as aforesaid, and any case arising under any future Act which is triable by a court of summary jurisdiction shall, unless it is otherwise prescribed, be heard, tried, determined and adjudged by a court of summary jurisdiction, consisting of two or more justices."

(10.) London Lord Mayor, London aldermen, police magistrates, and stipendiaries sitting alone to have all the powers of "a petty sessional court."

(11.) Court of summary jurisdiction, when not a petty sessional court, may adjourn case to the next sitting of a petty sessional court.

21. (1.) Court has power to postpone issuing warrant of distress or of commitment in respect of money ordered to be paid by convictions or orders "until such time and on such conditions, if any, as to the court may seem just."

(2.) "The wearing apparel and bedding of a person and his family, and, to the value of five pounds, the tools and implements of his trade, shall not be taken under a distress issued by a court of summary jurisdiction."

(3.) When a person is adjudged by conviction or (in the case of a sum not a civil debt) order to pay money, and he has no goods to distrain, or not sufficient, or the magistrates think

"that the levy of the distress will be more injurious to him or his family than imprisonment," they may, instead of issuing a warrant of distress, send him to prison "for any period not exceeding the period for which he is liable under such conviction or order to be imprisoned in default of sufficient distress."

(4.) When a defendant has paid a portion of the money he has been ordered to pay, but cannot pay the rest, he is not necessarily to be sent to prison as if he had paid nothing at all. The question the magistrates in such a case have to consider is whether, supposing the unsatisfied balance were the original amount adjudged to be paid, the maximum term of imprisonment which the defendant would be liable to is less than the term to which he is liable under his conviction or order. If so, he cannot be sent to prison for longer than such less maximum term.

Supplemental Provisions.

22. This section requires the clerk of every court of summary jurisdiction to "keep a register of the minutes or memorandums of all the convictions and orders of such court, and of such other proceedings as are directed by a rule under this Act to be registered." The section also directs how entries in the register are to be made, and how far they shall be evidence. The register is to be open to the inspection of properly authorised persons.

23. This section prescribes regulations as to the manner in which persons are to give security, and the mode in which it may be enforced. "Any sum paid by a surety on behalf of his principal in respect of a security under this Act, together with all costs, charges, and expenses incurred by such surety in respect of that security, shall be deemed a civil debt due to him from the principal, and may be recovered before a court of summary jurisdiction in manner directed by this

Act with respect to the recovery of a civil debt which is recoverable summarily."

24. (1.) When a person is charged with an indictable offence with which magistrates may have power to deal summarily :—

(*a.*) They may remand for "purpose of ascertaining whether it is expedient to deal with the case summarily ;" and—

(*b.*) They may remand to next petty sessional court if they are not already one, and "think the case proper to be dealt with summarily."

(2.) Remand to be just as under 11 & 12 Vict. c. 42, s. 21, "with this addition, that, where he is remanded to the next practicable sitting of a petty sessional court, he may be remanded for more than eight days."

25. This section regulates procedure in case of sureties to keep peace or be of good behaviour. In default of finding sureties, defendant may be imprisoned six months by petty sessional court, or fourteen days by the court of summary jurisdiction.

26. Where person has been sent to prison for not finding sureties, a petty sessional court for same place may "inquire into the case of the person so committed, and if, upon new evidence produced to such court, or proof of a change of circumstances, the court think, having regard to all the circumstances of the case, that it is just so to do, they may reduce the amount for which it is proposed the sureties or surety should be bound, or dispense with the sureties or surety, or otherwise deal with the case as the court may think just."

27. This section regulates procedure when an indictable offence is dealt with summarily.

(1.) Till court assume power to deal summarily with offence, they must treat it "as if the offence were to be dealt with throughout as an indictable offence." Afterwards, "as if the offence were an offence punishable on summary conviction."

(2.) Evidence need not be taken again.

(3.) "The conviction for any such offence shall be of the same effect as a conviction for the offence on indictment, and the court may make the like order for the restitution of property."

(4.) Certificate of dismissal to be given, if required.

(5.) Conviction to state consent to jurisdiction.

(6.) Order of dismissal, &c., to be transmitted to and filed by the clerk of the peace.

28. This section determines how the expenses of the prosecution of indictable offences dealt with summarily shall be borne. The court may "grant to any person who preferred the charge, or appeared to prosecute, or give evidence, a certificate of the amount of compensation which the court may deem reasonable for his expenses, trouble, and loss of time therein," and every such certificate is to have the effect of an order of court for the payment of the expenses of a prosecution for felony under 7 Geo. IV. c. 64, and the Acts amending that statute.

29. The Lord Chancellor may from time to time make rules as to giving security, forms, costs, and charges, payable under distress warrants, &c.

30. This section gives power to county justices and town councils to provide petty sessional court-houses.

Part II.

Amendment of Procedure.

31. "Where any person is authorised by this Act, or by any future Act, to appeal from the conviction or order of a court of summary jurisdiction to a court of general or quarter sessions, he may appeal to such court, subject to the conditions and regulations following:"—

(1.) Appeal must be to prescribed court of general or quarter sessions or, if no court is prescribed, to next

practicable court of general or quarter sessions held not less than fifteen days after decision appealed against.

(2.) Appellant must within prescribed time, or, if no time prescribed, within seven days of decision, give written notice of appeal, and of the general grounds thereof, to other party and to clerks of court.

(3.) Appellant must within prescribed time, or, if no time prescribed, within three days after giving notice of appeal, enter into a recognisance, or give security.

(4.) Appellant in custody may, if court pleases, be released on entering into recognisance or giving security.

(5.) Court of appeal may adjourn, confirm, reverse, modify, remit, order payment of costs, &c., "or may make such other order in the matter as the court of appeal may think just, and may by such order exercise any power which the court of summary jurisdiction might have exercised, and such order shall have the same effect, and may be enforced in the same manner, as if it had been made by the court of summary jurisdiction."

(6.) When court of appeal do not confirm a conviction or order, their decision reversing it must be entered in the register of the clerk of the court below, and a memorandum of the final decision must be indorsed on the conviction or order successfully appealed against.

(7.) "Every notice in writing required by this section to be given by an appellant shall be in writing signed by him, or by his agent on his behalf, and may be transmitted as a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of the post."

32. Person authorised by any past Act to appeal from conviction or order may appeal subject to conditions and regulations of this Act. But if he has obeyed the conditions of his particular Act, his appeal will not be deemed invalid merely because it is not in accordance with the conditions of this

Act. Where past Act requires appeal to be made to "next court" of general or quarter sessions, appeal may be to next practicable court held not less than fifteen days after decision.

33. This section authorises "any person aggrieved who desires to question a conviction, order, determination, or other proceeding of a court of summary jurisdiction on the ground that it is erroneous in point of law, or is in excess of jurisdiction," to appeal by special case to the High Court of Justice.

34. This section provides means of enforcing summary orders of justices under future Acts requiring persons to do or abstain from things other than the payment of money. Persons making default in complying with such orders may, if no punishment prescribed, be made to pay £1 for every day in default, but not more than £20 altogether. Or they may be imprisoned, but not for more than two months altogether.

35. This section points out the mode of recovery of civil debts in courts of summary jurisdiction.

(1.) "A warrant shall not be issued for apprehending any person for failing to appear to answer any such complaint."

(2.) An order for payment of civil debt, &c., not to be enforced by imprisonment unless person has means to pay but will not. How proof of means to be given.

36. Court may issue summons for witness out of jurisdiction. But before being executed it must be indorsed by court in other jurisdiction on regular proof of signature. Witness may require reasonable sum for expenses to be tendered.

37. Warrant or summons not to be avoided by justice who signed it dying or ceasing to hold office.

38. Person arrested without warrant to be brought before court as soon as possible. If it cannot be done for twenty-four hours, head officer at police station, unless offence charged is "of a serious nature," must discharge prisoner on his entering into a recognisance with or without sureties.

39. This section contains a number of provisions as to procedure, having for their object chiefly the minimising of mere technicality. They deal with descriptions of offences, exemptions, and exceptions, defects in warrants of commitment or distress, the sale of forfeitures not pecuniary, &c.

40. Case from quarter sessions may be stated without *certiorari* or other writ.

41. Service of summons, notice, &c., and handwriting and seal of justices, &c., may be proved by solemn declaration. Person wilfully making declaration false in material particular to be guilty of perjury.

42. When court has fixed amount, recognisances may be entered into out of court, *e.g.*, before magistrate's clerk, or police inspector.

43. This section carefully regulates the procedure on the execution of a distress warrant, with the object of preventing extortion and tyranny.

(1.) Warrant must be executed under direction of a constable.

(2.) Goods taken must be sold by public auction not less than five clear days after distress, unless written consent of owner to contrary.

(3.) Distress must be sold within period fixed by warrant, or within fourteen days from date of making distress.

(4.) Household goods distrained on not to be removed (except with consent) from house till day of sale, unless warrant expressly allows it. But sufficient to satisfy distress may be impounded by affixing conspicuous mark.

(5.) Exaction or improper charge by person executing warrant punishable with fine not exceeding £5.

(6.) Constable executing warrant to send written account of costs and charges as soon as possible to clerk of court. Person distrained on may inspect account, and take copy of it, within one month after levy.

(7.) Overplus to be rendered to owner.

(8.) Constable not to execute warrant if person tenders money due, or produces receipt of clerk of court, and also pays costs of distress.

44. Property taken from person charged with an offence must be reported by police to court, and court may order it to be returned to him, if they think it can be returned "consistently with the interests of justice, and with the safe custody of the person charged."

45. This section gives the magistrates power to deal summarily with certain indictable offences not committed within their jurisdiction but which they might have sent for trial to the assizes or quarter sessions of their district.

46. This section contains provisions as to the local jurisdiction of courts of summary jurisdiction.

(1.) Offences committed on waters running between or forming boundary of two or more courts may be tried by any one of such courts.

(2.) So of offences committed on boundary of jurisdiction of two or more courts, or within 500 yards of boundary, or begun in one jurisdiction and completed in another.

(3.) Offence committed "in or upon any carriage, cart, or vehicle whatsoever employed in a journey, or on board of any vessel whatsoever employed in a navigable river, lake, canal, or inland navigation" may be tried by any of the courts through whose jurisdiction the "vehicle or vessel passed in the course of the journey or voyage during which the offence was committed."

(4.) "Any offence which is authorised by this section to be tried by any court of summary jurisdiction may be dealt with, heard, tried, determined, adjudged, and punished as if the offence had been wholly committed within the jurisdiction of such court."

Part III.

Depositions, Savings, and Repeal of Acts.

Special Definitions.

47. This section deals with the application of the Act to sums leviable by distress or payable under order.

48. This section refers to the duties of the clerk of a court of summary jurisdiction. "Provided, that nothing in this section shall apply where the court of summary jurisdiction is a court to whose clerk section 5 of the Justices Clerks' Act, 1877, does not apply."

49. This section provides definitions for purposes of Act, *e.g.*, "The expression 'Secretary of State' means one of Her Majesty's principal Secretaries of State."

50. This section provides definitions for purposes of this and future Acts, *e.g.*, "The expression 'The Summary Jurisdiction Acts' and the expression 'The Summary Jurisdiction (English) Acts' shall respectively mean the Summary Jurisdiction Act, 1848, and this Act, and any Act, past or future, amending the Summary Jurisdiction Act, 1848, or this Act."

51. This section provides for the application of the Summary Jurisdiction Acts to future Acts directing offences to be prosecuted summarily, &c.

Savings and Construction.

52. Provisions of this Act authorising mitigation of punishment, &c. (see sect. 4) not to apply to "proceedings taken under any Act relating to any of Her Majesty's regular or auxiliary forces."

53. Summary Jurisdiction Acts shall apply (generally) to Post Office, Revenue, and Customs cases. But where more than £50 ordered to be paid, imprisonment for non-payment not to exceed six months.

54. Act to apply to levying of sums, proof of service of documents, and appeals in bastardy cases. "This Act shall be construed as one with the Summary Jurisdiction Act, 1848, so far as is consistent with the tenour of such Acts respectively."

55. This section specifies what Acts of Parliament are repealed by this Act, and refers to the second schedule to the Act.

INDEX.

THE END.

STEVENS AND RICHARDSON, PRINTERS, 5, GREAT QUEEN STREET, W.C.

April, 1881.

A CATALOGUE
OF
LAW WORKS,
PUBLISHED BY
STEVENS AND SONS,
119, CHANCERY LANE, LONDON, W.C.
(*Formerly of Bell Yard, Lincoln's Inn*).

Law Books Purchased or Valued.

Acts of Parliament.—*Public and Local Acts from an early date, may be had of the Publishers of this Catalogue, who have also on sale the largest collection of Private Acts, relating to Estates, Enclosures, Railways, Roads, &c., &c.*

ACTION AT LAW.—Foulkes' Elementary View of the Proceedings in an Action.—Founded on "SMITH'S ACTION AT LAW." By W. D. I. FOULKES, Esq., Barrister-at-Law. Second Edition. 12mo. 1879. 10*s.* 6*d.*

"The student will find in 'Smith's Action' a manual, by the study of which he may easily acquire a general knowledge of the mode of procedure in the various stages of an action in the several divisions of the High Court of Justice."—*Law Times.*

Peel.—*Vide* "Chancery."

Prentice's Proceedings in an Action in the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice, (including the Rules, April, 1880). By SAMUEL PRENTICE, Esq., one of Her Majesty's Counsel. Second Edition. Royal 12mo. 1880. 12*s.*

"The book can be safely recommended to students and practitioners."—*Law Times.*

"We can safely recommend the book to students, and it will also be found a handy volume in the Solicitor's Office."—*Law Magazine.*

Smith's Action.—*Vide* "Foulkes."

ADMIRALTY.—Boyd.—*Vide* "Shipping."

Lowndes.—Marsden.—*Vide* "Collisions."

Pitt-Lewis.—*Vide* "County Courts."

Pritchard's Admiralty Digest.—With Notes from Text Writers, and the Scotch, Irish, and American Reports. Second Edition. By ROBERT A. PRITCHARD, D.C.L., Barrister-at-Law, and WILLIAM TARN PRITCHARD. With Notes of Cases from French Maritime Law. By ALGERNON JONES, Avocat à la Cour Impériale de Paris. 2 vols. Royal 8vo. 1865. 3*l.*

Roscoe's Treatise on the Jurisdiction and Practice of the Admiralty Division of the High Court of Justice, and on Appeals therefrom, &c. With an Appendix containing Statutes, Rules as to Fees and Costs, Forms, Precedents of Pleadings and Bills of Costs. By EDWARD STANLEY ROSCOE, Esq., Barrister-at-Law, and Northern Circuit. Demy 8vo. 1878. 1*l.*

"Mr. Roscoe has performed his task well, supplying in the most convenient shape a clear digest of the law and practice of the Admiralty Courts."

AGENCY.—Petgrave's Principal and Agent.—A Manual of the Law of Principal and Agent. By E. C. PETGRAVE, Solicitor. 12mo. 1857. 7*s.* 6*d.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

AGENCY.—*Continued.*

Petgrave's Code of the Law of Principal and Agent, with a Preface. By E. C. PETGRAVE, Solicitor. Demy 12mo. 1876. *Net*, 2*s*.

Russell's Treatise on Mercantile Agency.—Second Edition. 8vo. 1873. 14*s*.

AGRICULTURAL LAW.—Addison's Practical Guide to the Agricultural Holdings (England) Act, 1875 (38 & 39 Vic. c. 92), and Treatise thereon, showing the Alterations in the Law, &c. Designed chiefly for the use of Agricultural Landlords and Tenants. By ALBERT ADDISON, Solicitor. 12mo. 1876. *Net*. 2*s*. 6*d*.

Cooke on Agricultural Law.—The Law and Practice of Agricultural Tenancies, with Numerous Precedents of Tenancy Agreements and Farming Leases, &c., &c. By G. WINGROVE COOKE, Esq., Barrister-at-Law. 8vo. 1851. 18*s*.

Dixon's Farm.—*Vide* "Farm."

ARBITRATION.—Russell's Treatise on the Duty and Power of an Arbitrator, and the Law of Submissions and Awards; with an Appendix of Forms, and of the Statutes relating to Arbitration. By FRANCIS RUSSELL, Esq., M.A., Barrister-at-Law. Fifth Edition. Royal 8vo. 1878. 1*l*. 16*s*.

ARTICLED CLERKS.—Butlin's New and Complete Examination Guide and Introduction to the Law; for the use of Articled Clerks, comprising Courses of Reading for the Preliminary and Intermediate Examinations and for Honours, or a Pass at the Final, with Statute, Case, and Judicature (Time) Tables, Sets of Examination Papers, &c., &c. By JOHN FRANCIS BUTLIN, Solicitor, &c. 8vo. 1877. 18*s*.

"In supplying law students with materials for preparing themselves for examination, Mr. Butlin, we think, has distanced all competitors."—*Law Times.*

Rubinstein and Ward's Articled Clerks' Handbook.—Being a Concise and Practical Guide to all the Steps Necessary for Entering into Articles of Clerkship, passing the Preliminary, Intermediate, Final, and Honours Examinations, obtaining Admission and Certificate to Practise, with Notes of Cases affecting Articled Clerks, Suggestions as to Mode of Reading and Books to be read during Articles, and an Appendix containing the questions asked at the recent Preliminary, Intermediate, Final, and Honours Examinations. Third Edition. By J. S. RUBINSTEIN and S. WARD, Solicitors. 12mo. 1881. 4*s*.

"No articled clerk should be without it."—*Law Times.*

"We think it omits nothing which it ought to contain."—*Law Journal.*

ARTICLES OF ASSOCIATION.—Palmer.—*Vide* "Conveyancing."

ATTORNEYS.—Cordery.—*Vide* "Solicitors."

Pulling's Law of Attorneys, General and Special, Attorneys-at-Law, Solicitors, Notaries, Proctors, Conveyancers, Scriveners, Land Agents, House Agents, &c., and the Offices and Appointments usually held by them, &c. By ALEXANDER PULLING, Serjeant-at-Law. Third Edition. 8vo. 1862. 18*s*.

"It is a laborious work, a careful work, the work of a lawyer, and, beyond comparison, the best that has ever been produced upon this subject."—*Law Times.*

Smith.—The Lawyer and his Profession.—A Series of Letters to a Solicitor commencing Business. By J. ORTON SMITH. 12mo. 1860. 4*s*.

* * *All standard Law Works are kept in Stock, in law calf and other bindings.*

ASSETS, ADMINISTRATION OF.—Eddis' Principles of the Administration of Assets in Payment of Debts. By ARTHUR SHELLY EDDIS, one of Her Majesty's Counsel. Demy 8vo. 1880. 6*s.*

"In twelve chapters they (the students) may find condensed an amount of learning on the subject which could only otherwise be acquired at the expense of great labour and research."—*Law Journal.*

AVERAGE.—Hopkins' Hand-Book on Average.—Third Edition. 8vo. 1868. 18*s.*

Lowndes' Law of General Average.—English and Foreign. Third Edition. By RICHARD LOWNDES, Author of "The Admiralty Law of Collisions at Sea." Royal 8vo. 1878. 21*s.*

BALLOT.—FitzGerald's Ballot Act.—With an INTRODUCTION, Forming a Guide to the Procedure at Parliamentary and Municipal Elections. Second Edition. Enlarged, and containing the Municipal Elections Act, 1875, and the Parliamentary Elections (Returning Officers) Act, 1875. By GERALD A. R. FITZGERALD, M.A., of Lincoln's Inn, Esq., Barrister-at-Law. Fcap. 8vo. 1876. 5*s.* 6*d.*

"A useful guide to all concerned in Parliamentary and Municipal Elections."—*Law Magazine.*

"We should strongly advise any person connected with elections, whether acting as candidate, agent, or in any other capacity, to become possessed of this manual."

BANKING.—Walker's Treatise on Banking Law. Including the Crossed Checks Act, 1876, with dissertations thereon, also references to some American Cases, and full Index. By J. DOUGLAS WALKER, Esq., Barrister-at-Law. Demy 8vo. 1877. 14*s.*

"Persons who are interested in banking law may be guided out of many a difficulty by consulting Mr. Walker's volume."—*Law Times.*

BANKRUPTCY.—Bedford's Final Examination Guide to Bankruptcy.—Third Edition. 12mo. 1877. 6*s.*

Haynes.—*Vide* "Leading Cases."

Pitt-Lewis.—*Vide* "County Courts."

Scott's Costs in Bankruptcy.—*Vide* "Costs."

Smith's Manual of Bankruptcy.—A Manual relating to Bankruptcy, Insolvency, and Imprisonment for Debt; comprising the New Statute Law verbatim, in a consolidated and readable form. With the Rules, a Copious Index, and a Supplement of Decisions. By JOSIAH W. SMITH, B.C.L., Q.C. 12mo. 1873. 10*s.*

*** The Supplement may be had separately, *net*, 2*s.* 6*d.*

Williams' Law and Practice in Bankruptcy: comprising the Bankruptcy Act, the Debtors Act, and the Bankruptcy Repeal and Insolvent Court Act of 1869, and the Rules and Forms made under those Acts. Second Edition. By ROLAND VAUGHAN WILLIAMS, of Lincoln's Inn, Esq., and WALTER VAUGHAN WILLIAMS, of the Inner Temple, Esq., assisted by FRANCIS HALLETT HARDCASTLE, of the Inner Temple, Esq., Barristers-at-Law. 8vo. 1876. 1*l.* 8*s.*

"It would be difficult to speak in terms of undue praise of the present work."

BAR, GUIDE TO THE.—Shearwood.—*Vide* "Examination Guides."

BILLS OF EXCHANGE.—Chalmers' Digest of the Law of Bills of Exchange, Promissory Notes, and Cheques. By M. D. CHALMERS, of the Inner Temple, Esq., Barrister-at-Law. Demy 8vo. 1878. 12*s.* 6*d.*

"Mr. Chalmers has done wisely in casting his book into its present form, and the plan, thus well conceived, has been most effectually carried out. As a handy book of reference on a difficult and important branch of the law, it is most valuable, and it is perfectly plain that no pains have been spared to render it complete in every respect. The index is copious and well arranged."—*Saturday Review.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

BILLS OF EXCHANGE.—*Continued.*

Chitty on Bills of Exchange and Promissory Notes, with references to the law of Scotland, France and America.—Eleventh Edition. By JOHN A. RUSSELL, Esq., LL.B., one of Her Majesty's Counsel, and Judge of County Courts. Demy 8vo. 1878. 1*l.* 8*s.*

Eddis' Rule of Ex parte Waring. By A. C. EDDIS, B.A., of Lincoln's Inn, Barrister-at-Law. Post 8vo. 1876. *Net*, 2*s.* 6*d.*

BILLS OF LADING.—Leggett's Treatise on the Law of Bills of Lading; comprising the various legal incidents attaching to the Bill of Lading; the legal effects of each of the Clauses and Stipulations; and the Rights and Liabilities of Consignors, Consignees, Indorsees, and Vendees, under the Bill of Lading. With an Appendix, containing Forms of Bills of Lading chiefly used in the United Kingdom, Continental, Mediterranean, Trans-Atlantic, African, Asiatic, Colonial, West Indian, and other important trades. By EUGENE LEGGETT, Solicitor and Notary Public. Demy 8vo. 1880. 1*l.* 1*s.*

BILLS OF SALE.—Cavanagh.—*Vide* "Money Securities."

Millar's Treatise on Bills of Sale.—With an Appendix containing the Acts for the Registration of Bills of Sale, Precedents, &c. (being the Fourth Edition of Millar and Collier's Treatise on Bills of Sale). By F. C. J. MILLAR, one of Her Majesty's Counsel, Esq., Barrister-at-Law. 12mo. 1877. 12*s.*

"The original work is brought down to date, and the latest cases are referred to and considered. The value of the work is enhanced throughout by careful annotation."—*Law Magazine.*

BURIAL AND OTHER CHURCH-FEES.—Dodd's Burial and other Church Fees and the Burial Act, 1880.—With Notes. By J. THEODORE DODD, M.A., Barrister-at-Law, of Lincoln's Inn. Royal 12mo. 1881. 4*s.*

CANAL TRAFFIC ACT.—Lely's Railway and Canal Traffic Act, 1873.—And other Railway and Canal Statutes; with the General Orders, Forms, and Table of Fees. Post 8vo. 1873. 8*s.*

CARRIERS.—Browne on Carriers.—A Treatise on the Law of Carriers of Goods and Passengers by Land and Water. With References to the most recent American Decisions. By J. H. BALFOUR BROWNE, of the Middle Temple, Esq., Barrister-at-Law, Registrar to the Railway Commission. 8vo. 1873. 18*s.*

CHANCERY, *and Vide* **"EQUITY."**

Daniell's Chancery Practice.—Sixth Edition 2 vols. 8vo. (*In the press.*)

Daniell's Forms and Precedents of Proceedings in the Chancery Division of the High Court of Justice and on Appeal therefrom; with Dissertations and Notes, forming a complete guide to the practice of the Chancery Division of the High Court and of the Courts of Appeal. Being the Third Edition of "Daniell's Chancery Forms." By WILLIAM HENRY UPJOHN, Esq., Student and Holt Scholar of Gray's Inn, Exhibitioner in Jurisprudence and Roman Law in the University of London, &c., &c. In one thick vol. Demy 8vo. 1879. 2*l.* 2*s.*

"Mr. Upjohn has restored the volume of Chancery Forms to the place it held before the recent changes, as a trustworthy and complete collection of precedents. It has all the old merits; nothing is omitted as too trivial or commonplace; the solicitor's clerk finds how to indorse a brief, and how, when necessary, to give notice of action; and the index to the forms is full and perspicuous."—*Solicitors' Journal.*

"It will be as useful a work to practitioners at Westminster as it will be to those in Lincoln's Inn."—*Law Times.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

CHANCERY.—*Continued.*

Haynes' Chancery Practice.—The Practice of the Chancery Division of the High Court of Justice and on Appeal therefrom.—By JOHN F. HAYNES, LL.D. Author of the "Student's Leading Cases," &c. Demy 8vo. 1879. 1*l.* 5*s.*

"Materials for enabling the practitioner himself to obtain the information he may require are placed before him in a convenient and accessible form. The arrangement of the work appears to be good."—*Law Magazine and Review.*

"That portion of the work ('Proceedings in the Judges' Chambers') appears to us to be especially commendable, while, no doubt, there are others, such as those relating to 'Proceedings in the Chancery Pay Office,' and to 'Costs,' which cannot but prove extremely useful to English Practitioners."—*Irish Law Times.*

Morgan's Chancery Acts and Orders.—The Statutes, General Orders, and Rules of Court relating to the Practice, Pleading, and Jurisdiction of the Supreme Court of Judicature, particularly with reference to the Chancery Division, and the Actions assigned thereto. With copious Notes. Fifth Edition. Adapted to the new Practice by GEORGE OSBORNE MORGAN, M.P., one of Her Majesty's Counsel, and CHALONER W. CHUTE, Barrister-at-Law. Demy 8vo. 1876. 1*l.* 10*s.*

"This edition of Mr. Morgan's treatise must, we believe, be the most popular with the profession."—*Law Times.*

Morgan and Davey's Chancery Costs.—*Vide* "Costs."

Peel's Chancery Actions.—A Concise Treatise on the Practice and Procedure in Chancery Actions.—Second Edition. Including the Practice in Chambers. By SYDNEY PEEL, of the Middle Temple, Esq., Barrister-at-Law. Demy 8vo. (*Nearly ready.*)

CHANCERY PALATINE OF LANCASTER.—**Snow and Winstanley's Chancery Practice.**—The Statutes, Consolidated and General Orders and Rules of Court relating to the Practice, Pleading and Jurisdiction of the Court of Chancery, of the County Palatine of Lancaster. With Copious Notes of all practice cases to the end of the year 1879, Time Table and Tables of Costs and Forms. By THOMAS SNOW, M.A., and HERBERT WINSTANLEY, Esqrs., Barristers-at-Law. Royal 8vo. 1880. 1*l.* 10*s.*

CIVIL LAW.—**Bowyer's Commentaries on the Modern Civil Law.**—By Sir GEORGE BOWYER, D.C.L., Royal 8vo. 1848. 18*s.*

Bowyer's Introduction to the Study and Use of the Civil Law.—By Sir GEORGE BOWYER, D.C.L. Royal 8vo. 1874. 5*s.*

Cumin's Manual of Civil Law, containing a Translation of, and Commentary on, the Fragments of the XII. Tables, and the Institutes of Justinian; the Text of the Institutes of Gaius and Justinian arranged in parallel columns; and the Text of the Fragments of Ulpian, &c. By P. CUMIN, M.A., Barrister-at-Law. Second Edition. Medium 8vo. 1865. 18*s.*

COLLISIONS.—**Lowndes' Admiralty Law of Collisions at Sea.**—8vo. 1867. 7*s.* 6*d.*

Marsden on Maritime Collision.—A Treatise on the Law of Collisions at Sea. With an Appendix containing Extracts from the Merchant Shipping Acts, the International Regulations (of 1863 and 1880) for preventing Collisions at Sea; and local Rules for the same purpose in force in the Thames, the Mersey, and elsewhere. By REGINALD G. MARSDEN, Esq., Barrister-at-Law. Demy 8vo. 1880. 12*s.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

COLONIAL LAW.—Clark's Colonial Law.—A Summary of Colonial Law and Practice of Appeals from the Plantations. 8vo. 1834. 1*l.* 4*s.*

COMMENTARIES ON THE LAWS OF ENGLAND.—Broom and Hadley's Commentaries on the Laws of England. By HERBERT BROOM, LL.D., and EDWARD A. HADLEY, M.A., Barristers-at-Law. 4 vols. 8vo. 1869. (*Published at* 3*l.* 3*s.*) *Net* 1*l.* 1*s.*

"Nothing that could be done to make the work useful and handy has been left undone."—*Law Journal.*

COMMERCIAL LAW.—Goirand's French Code of Commerce and most usual Commercial Laws. With a Theoretical and Practical Commentary, and a Compendium of the judicial organization and of the course of procedure before the Tribunals of Commerce; together with the text of the law; the most recent decisions of the Courts, and a glossary of French judicial terms. By LEOPOLD GOIRAND, Licencié en droit. In 1 vol. (850 pp.). Demy 8vo. 1880. 2*l.* 2*s.*

Levi.—*Vide* "International Law."

COMMON LAW.—Archbold's Practice of the Queen's Bench, Common Pleas and Exchequer Divisions of the High Court of Justice in Actions, etc., in which they have a common jurisdiction.—Thirteenth Edition. By SAMUEL PRENTICE, Esq., one of Her Majesty's Counsel. 2 vols. Demy 8vo. 1879. 3*l.* 3*s.*

Archibald's Handbook of the Practice in the Queen's Bench Division of the High Court of Justice; with Forms for the use of Country Solicitors. By W. F. A. ARCHIBALD, Esq., Barrister-at-Law, Author of "Forms of Summonses and Orders, with Notes for use at Judges' Chambers," &c. (*Nearly ready.*)

Ball's Short Digest of the Common Law; being the Principles of Torts and Contracts. Chiefly founded upon the works of Addison, with Illustrative Cases, for the use of Students. By W. EDMUND BALL, LL.B., late "Holt Scholar" of Gray's Inn, Barrister-at-Law and Midland Circuit. Demy 8vo. 1880. 16*s.*

"The principles of the law are very clearly and concisely stated, and, as far as we have been able to test them, the illustrated cases appear to have been well chosen. Mr. Ball has produced a book which deserves to become popular among those for whom it is intended."—*Law Journal*, June 5, 1880.

"Likely to become a favourite with law students in both branches of the profession. . . . . The book is clearly written, well arranged, well printed, and well indexed."

Chitty.—*Vide* "Forms." Foulkes.—*Vide* "Action."

Fisher.—*Vide* "Digests." Prentice.—*Vide* "Action.

Shirley.—*Vide* "Leading Cases."

Smith's Manual of Common Law.—For Practitioners and Students. A Manual of Common Law, comprising the fundamental principles and the points most usually occurring in daily life and practice. By JOSIAH W. SMITH, B.C.L., Q.C. Ninth Edition. 12mo. 1880. 14*s.*

COMMONS AND INCLOSURES.—Chambers' Digest of the Law relating to Commons and Open Spaces, including Public Parks and Recreation Grounds, with various official documents; precedents of by-laws and regulations. The Statutes in full and brief notes of leading cases. By GEORGE F. CHAMBERS, Esq., Barrister-at-Law. Imperial 8vo. 1877. 6*s.* 6*d.*

Cooke on Inclosures.—With Forms as settled by the Inclosure Commissioners. By G. WINGROVE COOKE, Esq., Barrister-at-Law. Fourth Edition. 12mo. 1864. 16*s.*

All standard Law Works are kept in Stock, in law calf and other bindings.

COMPANY LAW.—Palmer.—*Vide* "Conveyancing."

Palmer's Shareholders' and Directors' Companion.—A Manual of every-day Law and Practice for Promoters, Shareholders, Directors, Secretaries, Creditors and Solicitors of Companies, under the Companies' Acts, 1862, 1867, and 1877. Second Edition. By FRANCIS B. PALMER, Esq., Barrister-at-Law, Author of "Company Precedents." 12mo. 1880. *Net*, 2*s.* 6*d.*

Thring.—*Vide* "Joint Stocks."

CONTINGENT REMAINDERS.—An Epitome of Fearne on Contingent Remainders and Executory Devises. Intended for the Use of Students. By W. M. C. Post 8vo. 1878. 6*s.* 6*d.*

"An acquaintance with Fearne is indispensable to a student who desires to be thoroughly grounded in the common law relating to real property. Such student will find a perusal of this epitome of great value to him."—*Law Journal.*

CONSTITUTIONAL LAW.—Bowyer's Commentaries on the Constitutional Law of England.—By Sir GEO. BOWYER, D.C.L. Second Edition. Royal 8vo. 1846. 1*l.* 2*s.*

Haynes.—*Vide* "Leading Cases."

CONTRACTS.—Addison on Contracts.—Being a Treatise on the Law of Contracts. By C. G. ADDISON, Esq., Author of the "Law of Torts." Seventh Edition. By L. W. CAVE, Esq., one of Her Majesty's Counsel, Recorder of Lincoln. Royal 8vo. 1875. 1*l.* 18*s.*

'At present this is by far the best book upon the Law of Contract possessed by the Profession, and it is a thoroughly practical book."—*Law Times.*

Ball.—*Vide* "Common Law."

Leake on Contracts.—An Elementary Digest of the Law of Contracts (being a new edition of "The Elements of the Law of Contracts"). By STEPHEN MARTIN LEAKE, Barrister-at-Law. 1 vol. Demy 8vo. 1878. 1*l.* 18*s.*

Pollock's Principles of Contract at Law and in Equity; being a Treatise on the General Principles relating to the Validity of Agreements, with a special view to the comparison of Law and Equity, and with references to the Indian Contract Act, and occasionally to American and Foreign Law. Second Edition. By FREDERICK POLLOCK, of Lincoln's Inn, Esq., Barrister-at-Law. Author of "A Digest of the Law of Partnership." Demy 8vo. 1878. 1*l.* 6*s.*

The late Lord Chief Justice of England in his judgment in *Metropolitan Railway Company* v. *Brogden and others*, said, "The Law is well put by Mr. Frederick Pollock in his very able and learned work on Contracts."—*The Times.*

"For the purposes of the student there is no book equal to Mr. Pollock's."—*The Economist.*

"He has succeeded in writing a book on Contracts which the working lawyer will find as useful for reference as any of its predecessors, and which at the same time will give the student what he will seek for in vain elsewhere, a complete *rationale* of the law."—*Law Magazine and Review.*

"We see nothing to qualify in the praise we bestowed on the first edition. The chapters on unlawful and impossible agreements are models of full and clear treatment."—*Solicitors' Journal.*

Smith's Law of Contracts.—By the late J. W. SMITH, Esq., Author of "Leading Cases," &c. Seventh Edition. By VINCENT T. THOMPSON, Esq., Barrister-at-Law. Demy 8vo. 1878. 1*l.* 1*s.*

"We know of few books equally likely to benefit the student, or marked by such distinguished qualities of lucidity, order, and accuracy as the work before us."—*Solicitors' Journal.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

CONVEYANCING.—Dart.—*Vide* "Vendors and Purchasers."

Greenwood's Manual of Conveyancing.—A Manual of the Practice of Conveyancing, showing the present Practice relating to the daily routine of Conveyancing in Solicitors' Offices. To which are added Concise Common Forms and Precedents in Conveyancing. Sixth Edition, thoroughly revised. By HARRY GREENWOOD, M.A., Esq., Barrister-at-Law. Author of "Recent Real Property Statutes, consolidated with Notes." Demy 8vo. 1881. 15s.

"A careful study of these pages would probably arm a diligent clerk with as much useful knowledge as he might otherwise take years of desultory questioning and observing to acquire."—*Solicitors' Journal.*

"The young solicitor will find this work almost invaluable, while the members of the higher branch of the profession may refer to it with advantage. We have not met with any book that furnishes so simple a guide to the management of business entrusted to articled clerks."

Martin's Student's Conveyancer.—A Manual on the Principles of Modern Conveyancing, illustrated and enforced by a Collection of Precedents, accompanied by detailed Remarks. Part I. Purchase Deeds. By THOMAS FREDERIC MARTIN, Solicitor. Demy 8vo. 1877. 5s. 6d.

"Should be placed in the hands of every student."

Palmer's Company Precedents.—For use in relation to Companies subject to the Companies' Acts, 1862 to 1880. Arranged as follows:—Agreements, Memoranda and Articles of Association, Prospectus, Resolutions, Notices, Certificates, Debentures, Petitions, Orders, Reconstruction, Amalgamation, Arrangements, Private Acts. With Copious Notes. Second Edition. By FRANCIS BEAUFORT PALMER, of the Inner Temple, Esq., Barrister-at-Law. Royal 8vo. 1881. 1*l.* 10s.

OPINIONS OF THE PRESS ON THE FIRST EDITION.

"There had never, to our knowledge, been any attempt to collect and edit a body of Forms and Precedents exclusively relating to the formation, working and winding-up of companies. This task Mr. Palmer has taken in hand, and we are glad to say with much success. . . . The information contained in the 650 pages of the volume is rendered easily accessible by a good and full index. The author has evidently not been sparing of labour, and the fruits of his exertions are now before the legal profession in a work of great practical utility."—*Law Magazine.*

"To those concerned in getting up companies, the assistance given by Mr. Palmer must be very valuable, because he does not confine himself to bare precedents, but by intelligent and learned commentary lights up, as it were, each step that he takes. The volume before us is not, therefore, a book of precedents merely, but, in a greater or less degree, a treatise on certain portions of the Companies' Acts of 1862 and 1867. There is an elaborate index, and the work is one which must commend itself to the profession."—*Law Times.*

"The precedents are, as a rule, exceedingly well drafted, and adapted to companies for almost every conceivable object. So especially are the forms of memoranda and articles of association; and these will be found extremely serviceable to the conveyancer. . . . All the notes have been elaborated with a thoroughly scientific knowledge of the principles of company law, as well as with copious references to the cases substantiating the principles. . . . We venture to predict that his notes will be found of great utility in guiding opinions on many complicated questions of law and practice."—*Law Journal.*

Prideaux's Precedents in Conveyancing.—With Dissertations on its Law and Practice. Tenth Edition. By FREDERICK PRIDEAUX, late Professor of the Law of Real and Personal Property to the Inns of Court, and JOHN WHITCOMBE, Esqrs., Barristers-at-Law. 2 vols. Royal 8vo. 1881. 3*l.* 10s.

(*Nearly ready.*)

"We have been always accustomed to view 'Prideaux' as **the most useful work out on conveyancing.** It combines conciseness and clearness in its precedents with aptness and comprehensiveness in its dissertations and notes, to a degree superior to that of any other work of its kind."—*Law Journal.*

"Prideaux has become an indispensable part of the Conveyancer's library. . . . . The new edition has been edited with a care and accuracy of which we can hardly speak too highly. . . . . The care and completeness with which the dissertation has been revised leaves us hardly any room for criticism."—*Solicitors' Journal.*

"The volumes are now something more than a mere collection of precedents; they . . . most valuable dissertations on the law and practice with reference to conveyancing. ertations are followed by the precedents on each subject dealt with, and are in as condensed treatises, embodying all the latest cases and statute law."—*Law Times.*

standard Law Works are kept in Stock, in law calf and other bindin g

CONVICTIONS.—Paley's Law and Practice of Summary Convictions under the Summary Jurisdiction Acts, 1848 and 1879; including Proceedings preliminary and subsequent to Convictions, and the responsibility of convicting Magistrates and their Officers, with Forms. Sixth Edition. By W. H. MACNAMARA, Esq., Barrister-at-Law. Demy 8vo. 1879. 1*l.* 4*s.*

Stone.—*Vide* "Petty Sessions."

Templer.—*Vide* "Summary Convictions."

Wigram.—*Vide* "Justice of the Peace."

COPYRIGHT.—Phillips' Law of Copyright in Works of Literature and Art, and in the Application of Designs. With the Statutes relating thereto. By C. P. PHILLIPS, Esq., Barrister-at-Law. 8vo. 1863. 12*s.*

CORONERS.—Jervis on the Office and Duties of Coroners.—With Forms and Precedents. Fourth Edition. By R. E. MELSHEIMER, Esq., Barrister-at-Law. Post 8vo. 1880. 12*s.*

COSTS.—Morgan and Davey's Treatise on Costs in Chancery.—By GEORGE OSBORNE MORGAN, M.P., one of Her Majesty's Counsel, and HORACE DAVEY, M.A., one of Her Majesty's Counsel. With an Appendix, containing Forms and Precedents of Bills of Costs. 8vo. 1865. 1*l.* 1*s.*

Scott's Costs in the High Court of Justice and other Courts. Fourth Edition. By JOHN SCOTT, of the Inner Temple, Esq., Barrister-at-Law, Reporter of the Common Pleas Division. Demy 8vo. 1880. 1*l.* 6*s.*

"Mr. Scott's introductory notes are very useful, and the work is now a compendium on the law and practice regarding costs, as well as a book of precedents."—*Law Times.*

"This new edition of Mr. Scott's well-known work embodies the changes effected since the Judicature Acts, and, so far as we have examined it, appears to be accurate and complete."—*Solicitors' Journal.*

Scott's Costs in Bankruptcy and Liquidation under the Bankruptcy Act, 1869. Royal 12mo. 1873. *Net*, 3*s.*

Summerhays and Toogood's Precedents of Bills of Costs in the Chancery, Queen's Bench, Common Pleas, Exchequer, Probate and Divorce Divisions of the High Court of Justice, in Conveyancing, Bankruptcy, the Crown Office, Lunacy, Arbitration under the Lands Clauses Consolidation Act, the Mayor's Court, London; the County Courts, the Privy Council, and on Passing Residuary and Succession Accounts; with Scales of Allowances and Court Fees, the Law Society's Scale of Commission in Conveyancing; Forms of Affidavits of Increase, and Objections to Taxation. By WM. FRANK SUMMERHAYS, Solicitor, and THORNTON TOOGOOD. Third Edition, Enlarged. Royal 8vo. 1879. 1*l.* 1*s.*

"In the volume before us we have a very complete manual of taxation. The work is beautifully printed and arranged, and each item catches the eye instantly."—*Law Journal.*

Webster's Parliamentary Costs.—Private Bills, Election Petitions, Appeals, House of Lords. By EDWARD WEBSTER, Esq., of the Taxing and Examiners' Office. Third Edition. Post 8vo. 1867. 20*s.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

COUNTY COURTS.—Pitt-Lewis' County Court Practice.—A Complete Practice of the County Courts, including Admiralty and Bankruptcy, embodying the Acts, Rules, Forms and Costs, with Additional Forms and a Full Index. By G. PITT-LEWIS, of the Middle Temple and Western Circuit, Esq., Barrister-at-Law, sometime Holder of the Studentship of the Four Inns of Court, assisted by H. A. De Colyar, of the Middle Temple, Esq., Barrister-at-Law. In 2 vols. (2028 pp.). Demy 8vo. 1880. 2*l.* 2*s.*

Summary of Contents.

Vol. I. History, Constitution, and Jurisdiction (including Prohibition and Mandamus), Practice in all ordinary Actions (including Actions under the Bills of Exchange Acts, in Ejectment, in Remitted Actions, and in Replevin), and on Appeals, with Appendices, &c. *Sold separately, with Index.* 30*s.*

Vol. II. Practice in Admiralty, Probate, Bankruptcy, and under Special Statutes, with Appendices, Index, &c. *Sold separately.* 25*s.*

"The late Lord Chief Justice of England in his written judgment in *Stooke* v. *Taylor*, says, 'The law as to the difference between set-off and counter-claim is correctly stated by Mr. Pitt-Lewis, in his very useful work on County Court Practice.'"—See *Law Times Reports*, October 16, 1880, p. 204.

"It is very clearly written, and is always practical. . . . Is likely to become the standard County Court practice."—*Solicitors' Journal.*

"One of the best books of practice which is to be found in our legal literature."—*Law Times*

"We have rarely met with a work displaying more honest industry on the part of the author than the one before us."—*Law Journal.*

"Mr. Pitt-Lewis has, in fact, aimed—and we are glad to say successfully—at providing for the County Courts' practitioner what 'Chitty's Archbold' and 'Daniell's Chancery Practice' have long been to practitioners in the High Court."—*Law Magazine.*

CRIMINAL LAW.—Archbold's Pleading and Evidence in Criminal Cases.—With the Statutes, Precedents of Indictments, &c., and the Evidence necessary to support them. Nineteenth Edition, including the Practice in Criminal Proceedings by Indictment. By WILLIAM BRUCE, Esq., Barrister-at-Law, and Stipendiary Magistrate for the Borough of Leeds. Royal 12mo. 1878. 1*l.* 11*s.* 6*d.*

Roscoe's Digest of the Law of Evidence in Criminal Cases.—Ninth Edition. By HORACE SMITH, Esq., Barrister-at-Law. Royal 12mo. 1878. 1*l.* 11*s.* 6*d.*

Russell's Treatise on Crimes and Misdemeanors.—Fifth Edition. By SAMUEL PRENTICE, Esq., one of Her Majesty's Counsel. 3 vols. Royal 8vo. 1877. 5*l.* 15*s.* 6*d.*

"What better Digest of Criminal Law could we possibly hope for than 'Russell on Crimes?'"—*Sir James Fitzjames Stephen's Speech on Codification.*

"No more trustworthy authority, or more exhaustive expositor than 'Russell' can be consulted."—*Law Magazine and Review.*

"Alterations have been made in the arrangement of the work which without interfering with the general plan are sufficient to show that great care and thought have been bestowed. . . . . We are amazed at the patience, industry and skill which are exhibited in the collection and arrangement of all this mass of learning."—*The Times.*

Shirley's Sketch of the Criminal Law.—By W. SHIRLEY SHIRLEY, M.A., Esq., Barrister-at-Law, Author of "Leading Cases made Easy," assisted by C. M. ATKINSON, M.A., Esq., Barrister-at-Law. Demy 8vo. 1880. 7*s.* 6*d.*

"As a primary introduction to Criminal Law, it will be found very acceptable to Students."—*Law Students' Journal, November* 1, 1880.

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

CROSSED CHEQUES ACT.—Cavanagh.—*Vide* "Money Securities."

Walker.—*Vide* "Banking."

DECREES.—Seton.—*Vide* "Equity."

DIARY.—Lawyer's Companion (The), Diary, and Law Directory for 1881.—For the use of the Legal Profession, Public Companies, Justices, Merchants, Estate Agents, Auctioneers, &c., &c. Edited by JOHN THOMPSON, of the Inner Temple, Esq., Barrister-at-Law; and contains a Digest of Recent Cases on Costs; Monthly Diary of County, Local Government, and Parish Business; Oaths in Supreme Court; Summary of Legislation of 1880; Alphabetical Index to the Practical Statutes; a Copious Table of Stamp Duties; Legal Time, Interest, Discount, Income, Wages and other Tables; Probate, Legacy and Succession Duties; and a variety of matters of practical utility. PUBLISHED ANNUALLY. Thirty-fifth Issue. (*Now ready.*)

The work also contains the most complete List published of Town and Country Solicitors, with date of admission and appointments, and is issued in the following forms, octavo size, strongly bound in cloth:—

		s.	d.
1.	Two days on a page, plain	5	0
2.	The above, INTERLEAVED for ATTENDANCES	7	0
3.	Two days on a page, ruled, with or without money columns	5	6
4.	The above, INTERLEAVED for ATTENDANCES	8	0
5.	Whole page for each day, plain	7	6
6.	The above, INTERLEAVED for ATTENDANCES	9	6
7.	Whole page for each day, ruled, with or without money columns	8	6
8.	The above, INTERLEAVED for ATTENDANCES	10	6
9.	Three days on a page, ruled blue lines, without money columns	5	0

The Diary contains memoranda of Legal Business throughout the Year.

"An excellent work."—*The Times.*

"A publication which has long ago secured to itself the favour of the profession, and which, as heretofore, justifies by its contents the title assumed by it."—*Law Journal.*

"Contains all the information which could be looked for in such a work, and gives it in a most convenient form and very completely. We may unhesitatingly recommend the work to our readers."—*Solicitors' Journal.*

"The 'Lawyer's Companion and Diary' is a book that ought to be in the possession of every lawyer, and of every man of business."

"The 'Lawyer's Companion' is, indeed, what it is called, for it combines everything required for reference in the lawyer's office."—*Law Times.*

"It is a book without which no lawyer's library or office can be complete."—*Irish Law Times.*

"This work has attained to a completeness which is beyond all praise."—*Morning Post.*

DICTIONARY.—Wharton's Law Lexicon.—A Dictionary of Jurisprudence, explaining the Technical Words and Phrases employed in the several Departments of English Law; including the various Legal Terms used in Commercial Transactions. Together with an Explanatory as well as Literal Translation of the Latin Maxims contained in the Writings of the Ancient and Modern Commentators. Sixth Edition. Enlarged and revised in accordance with the Judicature Acts, by J. SHIRESS WILL, of the Middle Temple, Esq., Barrister-at-Law. Super royal 8vo. 1876. 2*l.* 2*s.*

"As a work of reference for the library, the handsome and elaborate edition of 'Wharton's Law Lexicon' which Mr. Shiress Will has produced must supersede all former issues of that well-known work."—*Law Magazine and Review.*

"No law library is complete without a law dictionary or law lexicon. To the practitioner it is always useful to have at hand a book where, in a small compass, he can find an explanation of terms of infrequent occurrence, or obtain a reference to statutes on most subjects, or to books wherein particular subjects are treated of at full length. To the student it is almost indispensable."—*Law Times.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

DIGESTS.—Bedford.—*Vide* "Examination Guides."

Chambers'—*Vide* "Public Health."

Chitty's Equity Index.—Chitty's Index to all the Reported Cases, and Statutes, in or relating to the Principles, Pleading, and Practice of Equity and Bankruptcy, in the several Courts of Equity in England and Ireland, the Privy Council, and the House of Lords from the earliest period. Third Edition. By J. MACAULAY, Esq., Barrister-at-Law. 4 vols. Royal 8vo. 1853. *7l. 7s.*

Fisher's Digest of the Reported Cases determined in the House of Lords and Privy Council, and in the Courts of Common Law, Divorce, Probate, Admiralty and Bankruptcy, from Michaelmas Term, 1756, to Hilary Term, 1870; with References to the Statutes and Rules of Court. Founded on the Analytical Digest by Harrison, and adapted to the present practice of the Law. By R. A. FISHER, Esq., Judge of the County Courts of Bristol and of Wells. Five large volumes, royal 8vo. 1870. (*Published at* 12*l.* 12*s.*) *Net 6l. 6s.*

Consolidated Supplement to above, during the years 1870—1880. By T. W. CHITTY and J. MEWS, Esqrs., Barristers-at-Law. 2 vols. Royal 8vo. 1880. *3l. 3s.*

(*Continued Annually.*)

"Mr. Fisher's Digest is a wonderful work. It is a miracle of human industry."—*Mr. Justice Willes.*

"I think it would be very difficult to improve upon Mr. Fisher's 'Common Law Digest.'"—*Sir James Fitzjames Stephen, on Codification.*

Godefroi.—*Vide* "Trusts and Trustees."

Leake.—*Vide* "Real Property" and "Contracts."

Notanda Digest in Law, Equity, Bankruptcy, Admiralty, Divorce, and Probate Cases.—By H. TUDOR BODDAM, of the Inner Temple, and HARRY GREENWOOD, of Lincoln's Inn, Esqrs., Barristers-at-Law.

Third Series, 1873 to 1876 inclusive, half-bound. *Net, 1l. 11s. 6d.*

Ditto, Fourth Series, for the years 1877, 1878, 1879, and 1880, with Index. *Each, net, 1l. 1s.*

Ditto, ditto, for 1881, Plain Copy and Two Indexes, or Adhesive Copy for insertion in Text-Books (without Index). Annual Subscription payable in advance. *Net, 21s.*

*** The numbers are issued regularly every alternate month. Each number contains a concise analysis of every case reported in the *Law Reports, Law Journal, Weekly Reporter, Law Times,* and the *Irish Law Reports,* up to and including the cases contained in the parts for the current month, with references to Text-books, Statutes, and the Law Reports Consolidated Digest, and an ALPHABETICAL INDEX of the subjects contained IN EACH NUMBER.

Odger.—*Vide* "Libel and Slander."

Pollock.—*Vide* "Partnership."

Roscoe.—*Vide* "Criminal Law" and "Nisi Prius."

DISCOVERY.—Hare's Treatise on the Discovery of Evidence.—Second Edition. Adapted to the Procedure in the High Court of Justice, with Addenda, containing all the Reported Cases to the end of 1876. By SHERLOCK HARE, Barrister-at-Law. Post 8vo. 1877. *12s.*

"The book is a useful contribution to our text-books on practice."—*Solicitors' Journal.*

"We have read his work with considerable attention and interest, and we can speak in terms of cordial praise of the manner in which the new procedure has been worked into the old material. . . . All the sections and orders of the new legislation are referred to in the text, a synopsis of recent cases is given, and a good index completes the volume."—*Law Times.*

Seton.—*Vide* "Equity."

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

DISTRICT REGISTRIES.—Archibald.—*Vide* "Judges' Chambers Practice."

DIVORCE.—Browne's Treatise on the Principles and Practice of the Court for Divorce and Matrimonial Causes:—With the Statutes, Rules, Fees and Forms relating thereto. Fourth Edition. (Including the Additional and Amended Rules, July, 1880.) By GEORGE BROWNE, Esq., Barrister-at-Law. Demy 8vo. 1880. 1*l.* 4*s.*

"The book is a clear, practical, and, so far as we have been able to test it, accurate exposition of divorce law and procedure."—*Solicitors' Journal.*

Haynes.—*Vide* "Leading Cases."

DOMICIL.—Dicey on the Law of Domicil as a branch of the Law of England, stated in the form of Rules.—By A. V. DICEY, B.C.L., Barrister-at-Law. Author of "Rules for the Selection of Parties to an Action." Demy 8vo. 1879. 18*s.*

"The practitioner will find the book a thoroughly exact and trustworthy summary of the present state of the law."—*The Spectator.*

Phillimore's (Sir R.) Law of Domicil.—8vo. 1847. 9*s.*

EASEMENTS.—Goddard's Treatise on the Law of Easements.—By JOHN LEYBOURN GODDARD, Esq., Barrister-at-Law. Second Edition. Demy 8vo. 1877. 16*s.*

"The book is invaluable: where the cases are silent the author has taken pains to ascertain what the law would be if brought into question."—*Law Journal.*

"Nowhere has the subject been treated so exhaustively, and, we may add, so scientifically, as by Mr. Goddard. We recommend it to the most careful study of the law student, as well as to the library of the practitioner."—*Law Times.*

ECCLESIASTICAL LAW.—Dodd's Burial and other Church Fees and the Burial Act, 1880:—With Notes. By J. THEODORE DODD, M.A., Barrister-at-Law, of Lincoln's Inn. Royal 12mo. 1881. 4*s.*

Phillimore's (Sir R.) Ecclesiastical Law.—The Ecclesiastical Law of the Church of England. With Supplement, containing the Statutes and Decisions to end of 1875. By SIR ROBERT PHILLIMORE, D.C.L., Official Principal of the Arches Court of Canterbury; Member of Her Majesty's Most Honourable Privy Council. 2 vols. 8vo. 1873-76. 3*l.* 7*s.* 6*d.*

*** The Supplement may be had separately, price 4*s.* 6*d.*, sewed.

ELECTIONS.—Browne (G. Lathom.)—*Vide* "Registration."

FitzGerald.—*Vide* "Ballot."

Rogers on Elections, Registration, and Election Agency.—Thirteenth Edition, including PETITIONS and Municipal Elections and Registration. With an Appendix of Statutes and Forms. By JOHN CORRIE CARTER, of the Inner Temple, Esq., and Midland Circuit, Barrister-at-Law. Royal 12mo. 1880. 1*l.* 12*s.*

"Petition has been added, setting forth the procedure and the decisions on that subject; and the statutes passed since the last edition are explained down to the Parliamentary Elections and Corrupt Practices Act (1880)."—*The Times.*

"We have no hesitation in commending the book to our readers as a useful and adequate treatise upon election law."—*Solicitors' Journal.*

"A book of long standing and for information on the common law of elections, of which it contains a mine of extracts from and references to the older authorities, will always be resorted to."—*Law Journal.*

EMPLOYERS' LIABILITY ACT.—Smith's Employers' Liability Act, 1880, with an Introduction and Notes. By HORACE SMITH, B.A., Esq., Barrister-at-Law, Author of "A Treatise on the Law of Negligence." Demy 8vo. 1881. 1*s.*

ENGLAND, LAWS OF.—Bowyer.—*Vide* "Constitutional Law."

Broom and Hadley.—*Vide* "Commentaries."

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

EQUITY, *and Vide* CHANCERY.

Seton's Forms of Decrees, Judgments, and Orders in the High Court of Justice and Courts of Appeal, having especial reference to the Chancery Division, with Practical Notes. Fourth Edition. By R. H. LEACH, Esq., Senior Registrar of the Chancery Division; F. G. A. WILLIAMS, of the Inner Temple, Esq.; and the late H. W. MAY, Esq.; succeeded by JAMES EASTWICK, of Lincoln's Inn, Esq., Barristers-at-Law. 2 vols. in 3 parts. Royal 8vo. 1877—79. 4*l.* 10*s.*

*** Vol. II., Parts 1 and 2, separately, price each 1*l.* 10*s.*

"The Editors of this new edition of Seton deserve much praise for what is almost, if not absolutely, an innovation in law books. In treating of any division of their subject they have put prominently forward the result of the latest decisions, settling the law so far as it is ascertained, thus avoiding much useless reference to older cases. . . . There can be no doubt that in a book of practice like Seton, it is much more important to be able to see at once what the law is than to know how it has become what it is; and the Editors have evidently taken great pains to carry out this principle in presenting the law on each division of their labours to their readers."—*The Times.*

"Of all the editions of 'Seton' this is the best. . . . We can hardly speak too highly of the industry and intelligence which have been bestowed on the preparation of the notes."—*Solicitors' Journal.*

"Now the book is before us complete; and we advisedly say *complete*, because it has scarcely ever been our fortune to see a more *complete* law book than this. Extensive in sphere, and exhaustive in treatise, comprehensive in matter, yet apposite in details, it presents all the features of an excellent work . . . The index, extending over 278 pages, is a model of comprehensiveness and accuracy."—*Law Journal.*

Smith's Manual of Equity Jurisprudence.—A Manual of Equity Jurisprudence for Practitioners and Students, founded on the Works of Story, Spence, and other writers, and on more than a thousand subsequent cases, comprising the Fundamental Principles and the points of Equity usually occurring in General Practice. By JOSIAH W. SMITH, B.C.L., Q.C. Thirteenth Edition. 12mo. 1880. 12*s.* 6*d.*

"There is no disguising the truth; the proper mode to use this book is to learn its pages by heart."—*Law Magazine and Review.*

"It will be found as useful to the practitioner as to the student."—*Solicitors' Journal.*

EXAMINATION GUIDES.—Articled Clerks' Journal and Examiner. Edited by EDWARD HENSLOWE BEDFORD. Monthly, price 6d. Subscription payable in advance, 6*s.* *per annum, post free.*

Bedford's Guide to the Preliminary Examination for Solicitors.—Fourth Edition. 12mo. 1874. *Net*, 3*s.*

Bedford's Digest of the Preliminary Examination Questions, with the Answers. Second Edition. (*In the press.*)

Bedford's Preliminary Guide to Latin Grammar.—12mo. 1872. *Net*, 3*s.*

Bedford's Intermediate Examination Guide to Bookkeeping.—Second Edition. 12mo. 1875. *Net*, 2*s.* 6*d.*

Bedford's Student's Guide to the Seventh Edition of Stephen's New Commentaries on the Laws of England. Demy 8vo. 1879. 12*s.*

"Here is a book which will be of the greatest service to students. It reduces the 'Commentaries' to the form of question and answer . . . We must also give the author credit, not only for his selection of questions, but for his answers thereto. These are models of fulness and conciseness, and lucky will be the candidate who can hand in a paper of answers bearing a close resemblance to those in the work before us."—*Law Journal.*

Bedford's Student's Guide to Smith on Contracts. Demy 8vo. 1879. 3*s.* 6*d.*

Bedford's Final Examination Guide to Bankruptcy.—Third Edition. 12mo. 1877. 6*s.*

Bedford's Outline of an Action in the Chancery Division. 12mo. 1878. *Net*, 2*s.* 6*d.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

EXAMINATION GUIDES.—*Continued*

Bedford's Final Examination Digest: containing a Digest of the Final Examination Questions in matters of Law and Procedure determined by the Chancery, Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice, and on the Law of Real and Personal Property and the Practice of Conveyancing, with the Answers. 8vo. 1879. 16*s.*

"Will furnish students with a large armoury of weapons with which to meet the attacks of the examiners of the Incorporated Law Society."—*Law Times.*

Butlin.—*Vide* "Articled Clerks."

Dickson's Analysis of Blackstone's Commentaries.—In Charts for the use of Students. By FREDERICK S. DICKSON. 4*to.* 10*s.* 6*d.*

Rubinstein and Ward.—*Vide* "Articled Clerks."

Shearwood's Student's Guide to the Bar, the Solicitor's Intermediate and Final and the Universities Law Examinations.—With Suggestions as to the books usually read, and the passages therein to which attention should be paid. By JOSEPH A. SHEARWOOD, B.A., Esq., Barrister-at-law, Author of "A Concise Abridgment of the Law of Real Property," &c. Demy 8vo. 1879. 5*s.* 6*d.*

"Any student of average intelligence who conscientiously follows the path and obeys the instructions given him by the author, need not fear to present himself as a candidate for any of the examinations to which this book is intended as a guide."—*Law Journal.*

EXECUTORS.—Macaskie's Treatise on the Law of Executors and Administrators, and of the Administration of the Estates of Deceased Persons. With an Appendix of Statutes and Forms. By STUART CUNNINGHAM MACASKIE, of Gray's Inn, Esq., Barrister-at-Law. Demy 8vo. 1881. 10*s.* 6*d.*

"We desire specially to draw the attention of students of the Inns of Court to Mr. Macaskie's Treatise, as containing an able summary of the law of administration, now forming one of the subjects set for the general examination for call to the bar."

"Students may read the book with advantage as an introduction to 'Williams,' and by practitioners not possessing the larger work it will undoubtedly be found useful."—*Law Journal,* March 5, 1881.

Williams' Law of Executors and Administrators.—By the Rt. Hon. Sir EDWARD VAUGHAN WILLIAMS, late one of the Judges of Her Majesty's Court of Common Pleas. Eighth Edition. By WALTER VAUGHAN WILLIAMS and ROLAND VAUGHAN WILLIAMS, Esqrs., Barristers-at-Law. 2 vols. Royal 8vo. 1879. 3*l.* 16*s.*

"A treatise which occupies a unique position and which is recognised by the Bench and the profession as having paramount authority in the domain of law with which it deals."—*Law Journal.*

EXECUTORY DEVISES.—Fearne.—*Vide* "Contingent Remainders."

FACTORY ACTS.—Notcutt's Law relating to Factories and Workshops, with Introduction and Explanatory Notes. Second Edition. Comprising the Factory and Workshop Act, 1878, and the Orders of the Secretary of State made thereunder. By GEO. JARVIS NOTCUTT, Solicitor, formerly of the Middle Temple, Esq., Barrister-at-Law. 12mo. 1879. 9*s.*

"The task of elucidating the provisions of the statute is done in a manner that leaves nothing to be desired."—*Birmingham Daily Gazette.*

FARM, LAW OF.—Addison; Cooke.—*Vide* "Agricultural Law."

Dixon's Law of the Farm.—A Digest of Cases connected with the Law of the Farm, and including the Agricultural Customs of England and Wales. Fourth Edition. (Including the "Ground Game Act, 1880.") By HENRY PERKINS, Esq., Barrister-at-Law and Midland Circuit. Demy 8vo. 1879. 1*l.* 6*s.*

"It is impossible not to be struck with the extraordinary research that must have been used in the compilation of such a book as this."—*Law Journal.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

FINAL EXAMINATION DIGEST.—Bedford.—*Vide* "Examination Guides."

FOREIGN JUDGMENTS.—Piggott's Foreign Judgments, their effect in the English Courts, the English Doctrine, Defences, Judgments in Rem Status.—By F. T. PIGGOTT, M.A., LL.M., of the Middle Temple, Esq., Barrister-at-Law. Royal 8vo. 1879. 15*s.*

"A useful and well-timed volume."—*Law Magazine*, August, 1879.

"Mr. Piggott writes under strong conviction, but he is always careful to rest his arguments on authority, and thereby adds considerably to the value of his handy volume." *Law Magazine and Review*, November, 1879.

FORMS.—Archibald.—*Vide* "Judges' Chambers Practice."

Chitty's Forms of Practical Proceedings in the Queen's Bench, Common Pleas and Exchequer Divisions of the High Court of Justice: with Notes containing the Stututes, Rules and Practice relating thereto. Eleventh Edition. By THOS. WILLES CHITTY, Esq., Barrister-at-Law. Demy 8vo. 1879. 1*l.* 18*s.*

Daniell's Forms and Precedents of Proceedings in the Chancery Division of the High Court of Justice and on Appeal therefrom; with Dissertations and Notes, forming a complete guide to the Practice of the Chancery Division of the High Court and of the Courts of Appeal. Being the Third Edition of "Daniell's Chancery Forms." By WILLIAM HENRY UPJOHN, Esq., Student and Holt Scholar of Gray's Inn, &c., &c. Demy 8vo. 1879. 2*l.* 2*s.*

"Mr. Upjohn has restored the volume of Chancery Forms to the place it held before the recent changes, as a trustworthy and complete collection of precedents."—*Solicitors' Journal.*

"We have had this work in practical use for some weeks, and so careful is the noting up of the authorities, so clearly and concisely are the notes expressed, that we have found it of as much value as the ordinary text books on the Judicature Acts. It will be as useful a work to practitioners at Westminster as it will be to those in Lincoln's Inn."—*Law Times.*

FRENCH COMMERCIAL LAW.—Goirand.—*Vide* "Commercial Law."

HIGHWAYS.—Baker's Law of Highways in England and Wales, including Bridges and Locomotives. Comprising a succinct code of the several provisions under each head, the statutes at length in an Appendix; with Notes of Cases, Forms, and copious Index. By THOMAS BAKER, of the Inner Temple, Esq., Barrister-at-Law. Royal 12mo. 1880. 15*s.*

"This is distinctly a well-planned book, and cannot fail to be useful, not only to lawyers, but to those who may be locally engaged in the management of highways."—*Law Journal.*

"The general plan of Mr. Baker's book is good. He groups together condensed statements of the effect of the provisions of the different Highway Acts relating to the same matter, giving in all cases references to the sections, which are printed in full in the appendix. To each condensed section, or group of sections, he appends a note, stating concisely the effect of the decisions."—*Solicitors' Journal, November 13th,* 1880.

"The work is clear, concise, and correct."—*Law Times, Oct.* 2, 1880.

Chambers' Law relating to Highways and Bridges, being the Statutes in full and brief Notes of 700 Leading Cases; together with the Lighting Act, 1833. By GEO. F. CHAMBERS, Esq., Barrister-at-Law. Imperial 8vo. 1878. 18*s.*

Shelford's Law of Highways, including the General Highway Acts for England and Wales, and other Statutes, with copious Notes and Forms. Third Edition. With Supplement by C. MANLEY SMITH, Esq. 12mo. 1865. 15*s.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

INCLOSURES.—*Vide* "Commons."

INJUNCTIONS.—Seton.—*Vide* "Equity."

INSURANCE.—Arnould on the Law of Marine Insurance.—Fifth Edition. By DAVID MACLACHLAN, Esq., Barrister-at-Law. 2 vols. Royal 8vo. 1877. 3*l.*

"As a text book, 'Arnould' is now all the practitioner can want, and we congratulate the editor upon the skill with which he has incorporated the new decisions."—*Law Times.*

Hopkins' Manual of Marine Insurance.—8vo. 1867. 18*s.*

Lowndes on the Law of Marine Insurance.—A Practical Treatise. By RICHARD LOWNDES. Author of "The Law of General Average," &c. Demy 8vo. 1881. 10*s.* 6*d.*

"It is rarely, indeed, that we have been able to express such unqualified approval of a new legal work."—*Solicitors' Journal*, February 12th, 1881.

INTERNATIONAL LAW.—Amos' Lectures on International Law.—Delivered in the Middle Temple Hall to the Students of the Inns of Court, by SHELDON AMOS, M.A., Professor of Jurisprudence (including International Law) to the Inns of Court, &c. Royal 8vo. 1874. 10*s.* 6*d.*

Calvo's Le Droit International Theorique et Pratique Precede d'un Expose Historique des Progres de la Science du Droit des Gens. Troisième Edition. Par M. CHARLES CALVO. In three volumes. Royal 8vo. 1880. *Net*, 2*l.* 5*s.*

Dicey.—*Vide* "Domicil."

Kent's International Law.—Kent's Commentary on International Law. Edited by J. T. ABDY, LL.D., Judge of County Courts. Second Edition. Revised and brought down to the present time. Crown 8vo. 1878. 10*s.* 6*d.*

Altogether Dr. Abdy has performed his task in a manner worthy of his reputation. His book will be useful not only to Lawyers and Law Students, for whom it was primarily intended, but also for laymen."—*Solicitors' Journal.*

Levi's International Commercial Law.—Being the Principles of Mercantile Law of the following and other Countries—viz.: England, Ireland, Scotland, British India, British Colonies, Austria, Belgium, Brazil, Buenos Ayres, Denmark, France, Germany, Greece, Hans Towns, Italy, Netherlands, Norway, Portugal, Prussia, Russia, Spain, Sweden, Switzerland, United States, and Würtemberg. By LEONE LEVI, Esq., F.S.A., F.S.S., Barrister-at-Law, &c. Second Edition. 2 vols. Royal 8vo. 1863. 1*l.* 15*s.*

Vattel's Law of Nations.—By JOSEPH CHITTY, Esq. Royal 8vo. 1834. 1*l.* 1*s.*

Wheaton's Elements of International Law; Second English Edition. Edited with Notes and Appendix of Statutes and Treaties, bringing the work down to the present time. By A. C. BOYD, Esq., LL.B., J.P., Barrister-at-Law. Author of "The Merchant Shipping Laws." Demy 8vo. 1880. 1*l.* 10*s.*

"Mr. Boyd, the latest editor, has added many useful notes; he has inserted in the Appendix public documents of permanent value, and there is the prospect that, as edited by Mr. Boyd, Mr. Wheaton's volume will enter on a new lease of life."—*The Times.*

"Both the plan and execution of the work before us deserves commendation. The text of Wheaton is presented without alteration, and Mr. Dana's numbering of the sections is preserved. Mr. Boyd's notes, which are numerous, original, and copious, are conveniently interspersed throughout the text; but they are in a distinct type, and therefore the reader always knows whether he is reading Wheaton or Boyd. The Index, which could not have been compiled without much thought and labour makes the book handy for reference."—*Law Journal.*

"Students who require a knowledge of Wheaton's text will find Mr. Boyd's volume very convenient."—*Law Magazine.*

JOINT OWNERSHIP.—Foster.—*Vide* "Real Estate."

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

JOINT STOCKS.—Palmer.—*Vide* "Conveyancing" and "Company Law."

Thring's (Sir H.) Joint Stock Companies' Law.—The Law and Practice of Joint Stock and other Companies, including the Companies Acts, 1862 to 1880, with Notes. Orders, and Rules in Chancery, a Collection of Precedents of Memoranda and Articles of Association, and all the other Forms required in Making, Administering, and Winding-up a Company; also the Partnership Law Amendment Act, The Life Assurance Companies Acts, and other Acts relating to Companies. By SIR HENRY THRING, K.C.B., The Parliamentary Counsel. Fourth Edition. By G. A. R. FITZGERALD, Esq., M.A., Barrister-at-Law, and late Fellow of St. John's College, Oxford. Demy 8vo. 1880. *1l. 5s.*

"This, as the work of the original draughtsman of the Companies' Act of 1862, and well-known Parliamentary counsel, Sir Henry Thring is naturally the highest authority on the subject."—*The Times.*

"One of its most valuable features is its collection of precedents of Memoranda and Articles of Association, which has, in this Edition, been largely increased and improved."—*Law Journal, October* 30, 1880.

Jordan's Joint Stock Companies.—A Handy Book of Practical Instructions for the Formation and Management of Joint Stock Companies. Sixth Edition. 12mo. 1878. *Net*, 2s. 6d.

JUDGES' CHAMBERS PRACTICE.—Archibald's Forms of Summonses and Orders, with Notes for use at Judges' Chambers and in the District Registries. By W. F. A. ARCHIBALD, M.A., of the Inner Temple, Barrister-at-Law. Royal 12mo. 1879. 12s. 6d.

"The work is done most thoroughly and yet concisely. The practitioner will find plain directions how to proceed in all the matters connected with a common law action, interpleader, attachment of debts, *mandamus*, injunction—indeed, the whole jurisdiction of the common law divisions, in the district registries, and at Judges' chambers."—*Law Times.*

"A clear and well-digested *vade mecum*, which will no doubt be widely used by the profession."—*Law Magazine.*

JUDGMENTS.—Piggott.—*Vide* "Foreign Judgments."

Walker's Practice on Signing Judgment in the High Court of Justice. With Forms. By H. H. WALKER, Esq., of the Judgment Department, Exchequer Division. Crown 8vo. 1879. 4s. 6d.

"The book undoubtedly meets a want, and furnishes information available for almost every branch of practice."

"We think that solicitors and their clerks will find it extremely useful."—*Law Journal.*

JUDICATURE ACTS.—Ilbert's Supreme Court of Judicature (Officers) Act, 1879; with the Rules of Court and Forms, December, 1879, and April, 1880. With Notes. By COURTENAY P. ILBERT, Esq., Barrister-at-Law. Royal 12mo. 1880. (*In limp leather*, 9s. 6d.) 6s.

*** A LARGE PAPER EDITION (for marginal notes). Royal 8vo. 8s.

The above forms a Supplement to "Wilson's Judicature Acts."

Morgan.—*Vide* "Chancery."

Stephen's Judicature Acts 1873, 1874, and 1875, consolidated. With Notes and an Index. By Sir JAMES FITZJAMES STEPHEN, one of Her Majesty's Judges. 12mo. 1875. 4s. 6d.

Swain's Complete Index to the Rules of the Supreme Court, April, 1880, and to the Forms (uniform with the Official Rules and Forms). By EDWARD SWAIN. Imperial 8vo. 1880. *Net*, 1s.

"An almost indispensable addition to the recently issued rules."—*Solicitors Journal*, May 1, 1880.

* * *All standard Law Works are kept in Stock, in law calf and other bindings.*

JUDICATURE ACTS.—*Continued.*

Wilson's Supreme Court of Judicature Acts Appellate Jurisdiction Act, 1876, Rules of Court and Forms. With other Acts, Orders, Rules and Regulations relating to the Supreme Court of Justice. With Practical Notes and a Copious Index, forming a COMPLETE GUIDE TO THE NEW PRACTICE. Second Edition. By ARTHUR WILSON, of the Inner Temple, Barrister-at-Law. (Assisted by HARRY GREENWOOD, of Lincoln's Inn, Barrister-at-Law, and JOHN BIDDLE, of the Master of the Rolls Chambers.) Royal 12mo. 1878. (*pp.* 726.) 18*s.*

(*In limp leather for the pocket*, 22*s.* 6*d.*)

*** A LARGE PAPER EDITION OF THE ABOVE (for marginal notes). Royal 8vo. 1878. (*In limp leather or calf*, 30*s.*) 1*l.* 5*s.*

"As regards Mr. Wilson's notes, we can only say that they are indispensable to the proper understanding of the new system of procedure. They treat the principles upon which the alterations are based with a clearness and breadth of view which have never been equalled or even approached by any other commentator."—*Solicitors' Journal.*

"Mr. Wilson has bestowed upon this edition an amount of industry and care which the Bench and the Profession will, we are sure, gratefully acknowledge. . . . . A conspicuous and important feature in this second edition is a table of cases prepared by Mr. Biddle, in which not only are cases given with references to two or three reports, but every place in which the cases are reported. . . . . Wilson's 'Judicature Acts' is now the latest, and we think it is the most convenient of the works of the same class. . . . . The practitioner will find that it supplies all his wants."—*Law Times.*

JURISPRUDENCE.—Phillimore's (J. G.) Jurisprudence.—An Inaugural Lecture on Jurisprudence, and a Lecture on Canon Law, delivered at the Hall of the Inner Temple, Hilary Term, 1851. By J. G. PHILLIMORE, Esq., Q.C. 8vo. 1851. Sewed. 3*s.* 6*d.*

Piggott.—*Vide* "Foreign Judgments."

JUSTINIAN, INSTITUTES OF.—Cumin.—*Vide* "Civil Law."

Ruegg's Student's "Auxilium" to the Institutes of Justinian.—Being a complete synopsis thereof in the form of Question and Answer. By ALFRED HENRY RUEGG, of the Middle Temple, Barrister-at-Law. Post 8vo. 1879. 5*s.*

"The student will be greatly assisted in clearing and arranging his knowledge by a work of this kind."—*Law Journal.*

JUSTICE OF THE PEACE.—Burn's Justice of the Peace and Parish Officer.—Edited under the Superintendence of JOHN BLOSSETT MAULE, Esq., Q.C. The Thirtieth Edition. Vol. I., containing "Abatement" to "Dwellings for Artisans." Vol. II., "Easter Offering" to "Hundred." Vol. III., "Indictment" to "Promissory Notes." Vol. IV., "Poor." Vol. V., "Quo Warranto" to "Wreck." Five large vols. 8vo. 1869. (*Published at* 7*l.* 7*s.*) *Net*, 2*l.* 2*s.*

Paley.—*Vide* "Convictions."

Stone's Practice for Justices of the Peace, Justices Clerks and Solicitors at Petty and Special Sessions. With Forms. Ninth Edition. (*In preparation.*)

Wigram's The Justices' Note Book.—By W. KNOX WIGRAM, Esq., Barrister-at-Law, J.P. Middlesex. Second Edition. With a copious Index. (*Corrected and Revised to December*, 1880.) Royal 12mo. 1881. 12*s.* 6*d.*

"We have nothing but praise for the book, which is a justices' royal road to knowledge, and ought to lead them to a more accurate acquaintance with their duties than many of them have hitherto possessed."—*Solicitors' Journal.*

"This is altogether a capital book. Mr. Wigram is a good lawyer and a good justices' lawyer."—*Law Journal.*

"We can thoroughly recommend the volume to magistrates."—*Law Times.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

LAND TAX.—Bourdin's Land Tax.—An Exposition of the Land Tax; its Assessment and Collection, with a statement of the rights conferred by the Redemption Acts. By MARK A. BOURDIN (late Registrar of Land Tax). Second Edition. 1870. 4*s.*

LANDLORD AND TENANT.—Woodfall's Law of Landlord and Tenant.—With a full Collection of Precedents and Forms of Procedure. Containing also an Abstract of Leading Propositions, and Tables of certain Customs of the Country. Twelfth Edition. In which the Precedents of Leases have been revised and enlarged, with the assistance of L. G. G. Robbins, Esq. By J. M. LELY, Esq., Barrister-at-Law, Editor of "Chitty's Statutes," &c., &c. Royal 8vo. 1881. 1*l.* 18*s.*

"The editor has expended elaborate industry and systematic ability in making the work as perfect as possible."—*Solicitors' Journal.*

LANDS CLAUSES ACTS.—Jepson's Lands Clauses Consolidation Acts; with Decisions, Forms, & Table of Costs. By ARTHUR JEPSON, Esq., Barrister-at-Law. Demy 8vo. 1880. 18*s.*

"The work concludes with a number of forms and a remarkably good index."—*Law Times.*

"As far as we have been able to discover, all the decisions have been stated, and the effect of them correctly given."—*Law Journal.*

"We have not observed any omissions of cases of importance, and the purport of the decisions we have examined is fairly well stated. The costs under the Acts are given, and the book contains a large number of forms, which will be found useful."—*Solicitors' Journal, October 23rd,* 1880.

"Cannot fail to prove of great utility to the practitioner."—*Law Magazine, Nov.* 1880.

LAW, GUIDE TO.—A Guide to the Law: for General Use. By a Barrister. Twenty-third Edition. Crown 8vo. 1880. *Net,* 3*s.* 6*d.*

"Within a marvellously small compass the author has condensed the main provisions of the law of England, applicable to almost every transaction, matter, or thing incidental to the relations between one individual and another."

LAW LIST.—Law List (The).—Comprising the Judges and Officers the different Courts of Justice, Counsel, Special Pleaders, Draftsmen, Conveyancers, Solicitors, Notaries, &c., in England and Wales; the Circuits, Judges, Treasurers, Registrars, and High Bailiffs of the County Courts; Metropolitan and Stipendiary Magistrates, Law and Public Officers in England and the Colonies, Foreign Lawyers with their English Agents, Sheriffs, Under-Sheriffs, and their Deputies, Clerks of the Peace, Town Clerks, Coroners, &c., &c., and Commissioners for taking Oaths, Conveyancers Practising in England under Certificates obtained in Scotland. So far as relates to Special Pleaders, Draftsmen, Conveyancers, Solicitors, Proctors and Notaries. Compiled by WILLIAM HENRY COUSINS, of the Inland Revenue Office, Somerset House, Registrar of Stamped Certificates, and of Joint Stock Companies, and Published by the Authority of the Commissioners of Inland Revenue. 1881. (*Net cash,* 9*s.*) 10*s.* 6*d.*

LAW REPORTS.—A large Stock of second-hand Reports. Prices on application.

LAWYER'S COMPANION.—*Vide* "Diary."

LEADING CASES.—Haynes' Student's Leading Cases. Being some of the Principal Decisions of the Courts in Constitutional Law, Common Law, Conveyancing and Equity, Probate, Divorce, Bankruptcy, and Criminal Law. With Notes for the use of Students. By JOHN F. HAYNES, LL.D., Author of "The Practice of the Chancery Division of the High Court of Justice," "The Student's Statutes," &c. Demy 8vo. 1878. 16*s.*

"We consider Mr. Haynes' book to be one of a very praiseworthy class; and we may say also that its editor appears to be a competent man. He can express himself with clearness, precision, and terseness."—*Solicitors' Journal.*

"Will prove of great utility, not only to Students, but Practitioners. The Notes are clear, pointed and concise."—*Law Times.*

"I think that this book will supply a want . . . . the book is singularly well for reference."—*Law Journal.*

Standard Law Works are kept in Stock, in law calf and other bindings.

LEADING CASES.—*Continued,*

Shirley's Leading Cases made Easy. A Selection of Leading Cases in the Common Law. By W. SHIRLEY SHIRLEY, M.A., Esq., Barrister-at-Law, North-Eastern Circuit. Demy 8vo. 1880. 14*s.*

"The selection is very large, though all are distinctly 'leading cases,' and the notes are by no means the least meritorious part of the work."—*Law Journal.*

"Mr. Shirley writes well and clearly, and evidently understands what he is writing about."—*Law Times.*

LEGACY DUTIES.—*Vide* "Taxes on Succession."

LEXICON.—*Vide* "Dictionary."

LIBEL AND SLANDER.—Odgers on Libel and Slander.—A Digest of the Law of Libel and Slander, with the Evidence, Procedure and Practice, both in Civil and Criminal Cases, with Precedents of Pleadings. By W. BLAKE ODGERS, M.A., LL.D., Barrister-at-Law, of the Western Circuit. Demy 8vo. 1881. 24*s.*

LIBRARIES AND MUSEUMS.—Chambers' Public Libraries and Museums and Literary and Scientific Institutions generally, a Digest of the Law relating to. Second Edition. By G. F. CHAMBERS, of the Inner Temple, Barrister-at-Law. Imperial 8vo. 1879. 8*s.* 6*d.*

LICENSING.—Lely and Foulkes' Licensing Acts, 1828, 1869 1872, and 1874; Containing the Law of the Sale of Liquors by Retail and the Management of Licensed Houses; with Notes to the Acts, a Summary of the Law, and an Appendix of Forms. Second Edition. By J. M. LELY and W. D. I. FOULKES, Esqrs., Barristers-at-Law. Royal 12mo. 1874. 8*s.*

"The notes are sensible and to the point, and give evidence both of care and knowledge of the subject."—*Solicitors' Journal.*

LIENS.—Cavanagh.—*Vide* "Money Securities."

LIFE ASSURANCE.—Scratchley's Decisions in Life Assurance Law, collated alphabetically according to the point involved; with the Statutes. Revised Edition. By ARTHUR SCRATCHLEY, M.A., Barrister-at-Law. Demy 8vo. 1878. 5*s.*

LOCKE KING'S ACTS.—Cavanagh.—*Vide* "Money Securities."

LUNACY.—Elmer's Practice in Lunacy.—The Practice in Lunacy under Commissions and Inquisitions, with Notes of Cases and Recent Decisions, the Statutes and General Orders, Forms and Costs of Proceedings in Lunacy, an Index and Schedule of Cases. Sixth Edition. By JOSEPH ELMER, of the Office of the Masters in Lunacy. 8vo. 1877. 21*s.*

MAGISTERIAL LAW.—Burn.—*Vide* "Justice of the Peace."
Leeming & Cross.—Pritchard.—*Vide* "Quarter Sessions.
Wigram.—*Vide* "Justice of the Peace."

MARINE INSURANCE.—*Vide* "Insurance."

MARITIME COLLISION.—Lowndes.—Marsden.—*Vide* "Collision."

MAYOR'S COURT PRACTICE.—Candy's Mayor's Court Practice.—The Jurisdiction, Process, Practice, and Mode of Pleading in Ordinary Actions in the Mayor's Court, London (commonly called the "Lord Mayor's Court"). Founded on Brandon. By GEORGE CANDY, Esq., Barrister-at-Law. Demy 8vo. 1879. 14*s.*

"The 'ordinary' practice of the Court is dealt with in its natural order, and is simply and clearly stated."—*Law Journal.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

MERCANTILE LAW.—Boyd.—*Vide* "Shipping."

Russell.—*Vide* "Agency."

Smith's Compendium of Mercantile Law.—Ninth Edition. By G. M. DOWDESWELL, of the Inner Temple, Esq., one of Her Majesty's Counsel. Royal 8vo. 1877. 1*l.* 18*s.*

"We can safely say that, to the practising Solicitor, few books will be found more useful than the ninth edition of 'Smith's Mercantile Law.'"—*Law Magazine.*

Tudor's Selection of Leading Cases on Mercantile and Maritime Law.—With Notes. By O. D. TUDOR, Esq., Barrister-at-Law. Second Edition. Royal 8vo. 1868. 1*l.* 18*s.*

METROPOLIS BUILDING ACTS.—Woolrych's Metropolis Building Acts, with Notes, Explanatory of the Sections and of the Architectural Terms contained therein. Second Edition. By NOEL H. PATERSON, M.A., Esq., Barrister-at-Law. 12mo. 1877. 8*s.* 6*d.*

MINES.—Rogers' Law relating to Mines, Minerals, and Quarries in Great Britain and Ireland; with a Summary of the Laws of Foreign States, &c. Second Edition Enlarged. By ARUNDEL ROGERS, Esq., Judge of County Courts. 8vo. 1876. 1*l.* 11*s.* 6*d.*

'The volume will prove invaluable as a work of legal reference."—*The Mining Journal.*

MONEY SECURITIES.—Cavanagh's Law of Money Securities.—In Three Books. I. Personal Securities. II. Securities on Property. III. Miscellaneous; with an Appendix containing the Crossed Cheques Act, 1876, The Factors Acts, 1823 to 1877, Locke King's, and its Amending Acts, and the Bills of Sale Act, 1878. By CHRISTOPHER CAVANAGH, B.A., LL.B. (Lond.), of the Middle Temple, Esq., Barrister-at-Law. In 1 vol. Demy 8vo. 1879. 21*s.*

"An admirable synopsis of the whole law and practice with regard to securities of every sort . . . . . We desire to accord it all praise for its completeness and general accuracy; we can honestly say there is not a slovenly sentence from beginning to end of it, or a single case omitted which has any material bearing on the subject."—*Saturday Review.*

"We know of no work which embraces so much that is of every-day importance, nor do we know of any author who shows more familiarity with his subject. The book is one which we shall certainly keep near at hand, and we believe that it will prove a decided acquisition to the practitioner."—*Law Times.*

"The author has the gift of a pleasant style; there are abundant and correct references to decisions of a recent date. An appendix, in which is embodied the full text of several important statutes, adds to the utility of the work as a book of reference; and there is a good index."—*Solicitors' Journal.*

MORTGAGE.—Coote's Treatise on the Law of Mortgage.—Fourth Edition. Thoroughly revised. By WILLIAM WYLLYS MACKESON, Esq., one of Her Majesty's Counsel. In 1 Vol. (1436 pp.) Royal 8vo. 1880. 2*l.* 2*s.*

"The book will be found a very valuable addition to the practitioner's library. . . . . Mr. Mackeson may be congratulated on the success with which he has converted an old and rather long-winded text-book into a complete, terse, and practical treatise for the modern lawyer."—*Solicitors' Journal*, January 1, 1881.

"Mr. Mackeson's manner is clear and practical, and in many cases he supplies useful summaries by way of recapitulation. There seems to be no errors of omission or commission, so that the new edition of 'Coote on Mortgages' will be found a valuable addition to the library of every practising lawyer."—*Law Journal*, January 22, 1881.

NAVY.—Thring's Criminal Law of the Navy, with an Introductory Chapter on the Early State and Discipline of the Navy, the Rules of Evidence, and an Appendix comprising the Naval Discipline Act and Practical Forms. Second Edition. By THEODORE THRING, of the Middle Temple, Barrister-at-Law, late Commissioner of Bankruptcy at Liverpool, and C. E. GIFFORD, Assistant-Paymaster, Royal Navy. 12mo. 1877. 12*s.* 6*d.*

"In the new edition, the procedure, naval regulations, forms, and all matters connected with the practical administration of the law have been classified and arranged by Mr. Gifford, so that the work is in every way useful, complete, and up to date."—*Naval and Military Gazette.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

NEGLIGENCE.—Smith's Treatise on the Law of Negligence, with a Supplement containing "The Employers' Liability Act, 1880," with an Introduction and Notes. By HORACE SMITH, B.A., of the Inner Temple, Esq., Barrister-at-Law, Editor of "Roscoe's Criminal Evidence," &c. Demy 8vo. 1880. 10*s.* 6*d.*

"The author occasionally attempts to criticize, as well as to catalogue, decisions, thus really helping lawyers, who rarely consult law books, except when some question demanding a consideration of conflicting authorities has to be settled."—*The Times*, September 8, 1880.

"The author has performed his task with judgment and skill. . . . A good index is very valuable, and the book appears to us to be excellent in that respect."—*Solicitors' Journal*, June 12, 1880.

NISI PRIUS.—Roscoe's Digest of the Law of Evidence on the Trial of Actions at Nisi Prius.—Fourteenth Edition. By JOHN DAY, one of Her Majesty's Counsel, and MAURICE POWELL, Barrister-at-Law. Royal 12mo. 1879. 2*l.*

(*Bound in one thick volume calf or circuit, 5s., or in two convenient vols. calf or circuit, 9s. net, extra.*)

"The task of adapting the old text to the new procedure was one requiring much patient labour, careful accuracy, and conciseness, as well as discretion in the omission of matter obsolete or unnecessary. An examination of the bulky volume before us affords good evidence of the possession of these qualities by the present editors, and we feel sure that the popularity of the work will continue unabated under their conscientious care."—*Law Magazine.*

Selwyn's Abridgment of the Law of Nisi Prius.—Thirteenth Edition. By DAVID KEANE, Q.C., Recorder of Bedford, and CHARLES T. SMITH, M.A., one of the Judges of the Supreme Court of the Cape of Good Hope. 2 vols. Royal 8vo. 1869. (*Published at* 2*l.* 16*s.*) *Net*, 1*l.*

NOTANDA.—*Vide* "Digests."

NOTARY.—Brooke's Treatise on the Office and Practice of a Notary of England.—With a full collection of Precedents. Fourth Edition. By LEONE LEVI, Esq., F.S.A., of Lincoln's Inn, Barrister-at-Law. 8vo. 1876. 1*l.* 4*s.*

OATHS.—Braithwaite's Oaths in the Supreme Court of Judicature.—A Manual for the use of Commissioners to Administer Oaths in the Supreme Court of Judicature in England. Part I. containing practical information respecting their Appointment, Designation, Jurisdiction, and Powers; Part II. comprising a collection of officially recognised Forms of Jurats and Oaths, with Explanatory Observations. By T. W. BRAITHWAITE, of the Record and Writ Clerks' Office. Fcap. 8vo. 1876. 4*s.* 6*d.*

"The work will, we doubt not, become the recognised guide of commissioners to administer oaths."—*Solicitors' Journal.*

PARISH LAW.—Steer's Parish Law; being a Digest of the Law relating to the Civil and Ecclesiastical Government of Parishes and the Relief of the Poor. Fourth Edition. By WALTER HENRY MACNAMARA, Esq., Barrister-at-Law. Demy 8vo. 1881. 16*s.*

"An exceedingly useful compendium of Parish Law."—*Law Times*, February 5, 1881.

PARTNERSHIP.—Pollock's Digest of the Law of Partnership.—Second Edition, with Appendix, containing an annotated reprint of the Partnership Bill, 1880, as amended in Committee. By FREDERICK POLLOCK, of Lincoln's Inn, Esq., Barrister-at-Law. Author of "Principles of Contract at Law and in Equity." Demy 8vo. 1880. 8*s.* 6*d.*

"Of the execution of the work, we can speak in terms of the highest praise. The language is simple, concise, and clear; and the general propositions may bear comparison with those of Sir James Stephen."—*Law Magazine.*

"Mr. Pollock's work appears eminently satisfactory . . . the book is praiseworthy in design, scholarly and complete in execution."—*Saturday Review.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

PATENTS.—Hindmarch's Treatise on the Law relating to Patents.—8vo. 1846. 1*l.* 1*s.*

Johnson's Patentees' Manual; being a Treatise on the Law and Practice of Letters Patent, especially intended for the use of Patentees and Inventors.—By JAMES JOHNSON, Barrister-at-Law, and J. H. JOHNSON, Solicitor and Patent Agent. Fourth Edition. Thoroughly revised and much enlarged. Demy 8vo. 1879. 10*s.* 6*d.*

"A very excellent manual."—*Law Times.*

"The authors have not only a knowledge of the law, but of the working of the law. Besides the table of cases there is a copious index to subjects."—*Law Journal.*

Thompson's Handbook of Patent Law of all Countries.—Third Edition, revised. By WM. P. THOMPSON, C.E., Head of the International Patent Office, Liverpool. 12mo. 1878. *Net*, 2*s.* 6*d.*

PERSONAL PROPERTY.—Smith.—*Vide* "Real Property."

PETITIONS.—Palmer.—*Vide* "Conveyancing."

Rogers.—*Vide* "Elections."

POOR LAW.—Davis' Treatise on the Poor Laws.—Being Vol. IV. of Burns' Justice of the Peace. 8vo. 1869. 1*l.* 11*s.* 6*d.*

POWERS.—Farwell on Powers.—A Concise Treatise on Powers. By GEORGE FARWELL, B.A., of Lincoln's Inn, Esq., Barrister-at-Law. 8vo. 1874. 1*l.* 1*s.*

"We recommend Mr. Farwell's book as containing within a small compass what would otherwise have to be sought out in the pages of hundreds of confusing reports."—*The Law.*

PRINCIPAL AND AGENT.—Petgrave's Principal and Agent.—A Manual of the Law of Principal and Agent. By E. C. PETGRAVE, Solicitor. 12mo. 1857. 7*s.* 6*d.*

Petgrave's Code of the Law of Principal and Agent, with a Preface. By E. C. PETGRAVE, Solicitor. Demy 12mo. 1876. *Net, sewed*, 2*s.*

PRIVY COUNCIL.—Finlason's History, Constitution, and Character of the Judicial Committee of the Privy Council, considered as a Judicial Tribunal, especially in Ecclesiastical Cases, with special reference to the right and duty of its members to declare their opinions. By W. F. FINLASON, Barrister-at-Law. Demy 8vo. 1878. 4*s.* 6*d.*

Lattey's Handy Book on the Practice and Procedure before the Privy Council.—By ROBERT THOMAS LATTEY, Attorney of the Court of Queen's Bench, and of the High Court of Bengal. 12mo. 1869. 6*s.*

PROBATE.—Browne's Probate Practice: a Treatise on the Principles and Practice of the Court of Probate, in Contentious and Non-Contentious Business, with the Statutes, Rules, Fees, and Forms relating thereto. By GEORGE BROWNE, Esq., Barrister-at-Law, late Recorder of Ludlow. 8vo. 1873. 1*l.* 1*s.*

"A cursory glance through Mr. Browne's work shows that it has been compiled with more than ordinary care and intelligence. We should consult it with every confidence."—*Law Times.*

PUBLIC HEALTH.—Chambers' Digest of the Law relating to Public Health and Local Government.—With Notes of 1073 leading Cases. Various official documents; precedents of By-laws and Regulations. The Statutes in full. A Table of Offences and Punishments, and a Copious Index. Seventh Edition, enlarged and revised, with SUPPLEMENT containing new Local Government Board By-Laws in full. Imperial 8vo. 1875-7. 1*l.* 8*s.*

*** The SUPPLEMENT may be had separately, price 9*s.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

PUBLIC HEALTH.—*Continued.*

FitzGerald's Public Health and Rivers Pollution Prevention Acts.—The Law relating to Public Health and Local Government, as contained in the Public Health Act, 1875, with Introduction and Notes, showing all the alterations in the Existing Law, with reference to the Cases, &c.; together with a Supplement containing "The Rivers Pollution Prevention Act, 1876." With Explanatory Introduction, Notes, Cases, and Index. By G. A. R. FITZGERALD, Esq., Barrister-at-Law. Royal 8vo. 1876. 1*l.* 1*s.*

"A copious and well-executed analytical index completes the work, which we can confidently recommend to the officers and members of sanitary authorities, and all interested in the subject matter of the new Act."—*Law Magazine and Review.*

"Mr. FitzGerald comes forward with a special qualification for the task, for he was employed by the Government in the preparation of the Act of 1875; and, as he himself says, has necessarily, for some time past, devoted attention to the law relating to public health and local government."—*Law Journal.*

PUBLIC MEETINGS.—**Chambers' Handbook for Public Meetings**, including Hints as to the Summoning and Management of them; and as to the Duties of Chairmen, Clerks, Secretaries, and other Officials; Rules of Debate, &c., to which is added a Digest of Reported Cases. By GEORGE F. CHAMBERS, Esq., Barrister-at-Law. 12mo. 1878. *Net*, 2*s.* 6*d.*

QUARTER SESSIONS.—**Leeming & Cross's General and Quarter Sessions of the Peace.**—Their Jurisdiction and Practice in other than Criminal matters. Second Edition. By HORATIO LLOYD, Esq., Recorder of Chester, Judge of County Courts, and Deputy-Chairman of Quarter Sessions, and H. F. THURLOW, of the Inner Temple, Esq., Barrister-at-Law. 8vo. 1876. 1*l.* 1*s.*

"The present editors appear to have taken the utmost pains to make the volume complete, and, from our examination of it, we can thoroughly recommend it to all interested in the practice of quarter sessions."—*Law Times.*

Pritchard's Quarter Sessions.—The Jurisdiction, Practice and Procedure of the Quarter Sessions in Criminal, Civil, and Appellate Matters. By THOS. SIRRELL PRITCHARD, of the Inner Temple, Esq., Barrister-at-Law, Recorder of Wenlock. 8vo. 1875. 2*l.* 2*s.*

"We can confidently say that it is written throughout with clearness and intelligence, and that both in legislation and in case law it is carefully brought down to the most recent date."—*Solicitors' Journal.*

RAILWAYS.—**Browne and Theobald's Law of Railway Companies.**—Being a Collection of the Acts and Orders relating to Railway Companies, with Notes of all the Cases decided thereon, and Appendix of Bye-Laws and Standing Orders of the House of Commons. By J. H. BALFOUR BROWNE, of the Middle Temple, Esq., Barrister-at-Law, Registrar to the Railway Commissioners, and H. S. THEOBALD, of the Inner Temple, Esq., Barrister-at-Law, and Fellow of Wadham College, Oxford. Demy 8vo. 1881. 1*l.* 12*s.*

Lely's Railway and Canal Traffic Act, 1873.—And other Railway and Canal Statutes; with the General Orders, Forms, and Table of Fees. By J. M. LELY, Esq. Post 8vo. 1873. 8*s.*

RATES AND RATING.—**Castle's Practical Treatise on the Law of Rating.** By EDWARD JAMES CASTLE, of the Inner Temple, Esq., Barrister-at-Law. Demy 8vo. 1879. 1*l.* 1*s.*

"Mr. Castle's book is a correct, exhaustive, clear and concise view of the law."—*Law Times.*

"The book is a useful assistant in a perplexed branch of Law."—*Law Journal.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

RATES AND RATING.—*Continued.*

Chambers' Law relating to Rates and Rating; with especial reference to the Powers and Duties of Rate-levying Local Authorities, and their Officers. Being the Statutes in full and brief Notes of 550 Cases. By G. F. CHAMBERS, Esq., Barrister-at-Law. Imp. 8vo. 1878. 12*s.*

REAL ESTATE.—**Foster's Law of Joint Ownership and Partition of Real Estate.** By EDWARD JOHN FOSTER, M.A., late of Lincoln's Inn, Barrister-at-Law. 8vo. 1878. 10*s.* 6*d.*

"Mr. Foster may be congratulated on having produced a very satisfactory *vade mecum* on the Law of Joint Ownership and Partition. He has taken considerable pains to make his treatise practically useful, and has combined within the fifteen chapters into which the book is divided, brevity of statement with completeness of treatment."—*Law Magazine.*

REAL PROPERTY.—**Greenwood's Recent Real Property Statutes.** Comprising those passed during the years 1874-1877 inclusive. Consolidated with the Earlier Statutes thereby Amended. With Copious Notes, and a Supplement containing the Orders under the Settled Estates Act, 1878. By HARRY GREENWOOD, M.A., Esq., Barrister-at-Law. 8vo. 1878. 10*s.*

"To students particularly this collection, with the careful notes and references to previous legislation, will be of considerable value."—*Law Times.*

"The author has added notes which, especially on the Vendor and Purchaser Act, and the Settled Estates Act, are likely to be useful to the practitioner . . . so far as we have tested them, the statements appear to be generally accurate and careful, and the work will be found exceedingly handy for reference."—*Solicitors' Journal.*

"Mr. Greenwood's book gives such of the provisions of the amended statutes as are still in force, as well as the provisions of the new statutes, in order to show more clearly the effect of the recent legislation."—*Law Journal.*

Leake's Elementary Digest of the Law of Property in Land.—Containing: Introduction. Part I. The Sources of the Law.—Part II. Estates in Land. By STEPHEN MARTIN LEAKE, Barrister-at-Law. 8vo. 1874. 1*l.* 2*s.*

*** The above forms a complete Introduction to the Study of the Law of Real Property.

Shearwood's Real Property.—A Concise Abridgment of the Law of Real Property and an Introduction to Conveyancing. Designed to facilitate the subject for Students preparing for Examination. By JOSEPH A. SHEARWOOD, of Lincoln's Inn, Esq., Barrister-at-Law. Demy 8vo. 1878. 6*s.* 6*d.*

"The present law is expounded paragraphically, so that it could be actually *learned* without understanding the origin from which it has sprung, or the principles on which it is based."—*Law Journal.*

Shelford's Real Property Statutes.—Eighth Edition. By T. H. CARSON, Esq., Barrister-at-Law. 8vo. 1874. 1*l.* 10*s.*

Smith's Real and Personal Property.—A Compendium of the Law of Real and Personal Property, primarily connected with Conveyancing. Designed as a second book for Students, and as a digest of the most useful learning for Practitioners. By JOSIAH W. SMITH, B.C.L., Q.C. Fifth Edition. 2 vols. Demy 8vo. 1877. 2*l.* 2*s.*

"He has given to the student a book which he may read over and over again with profit and pleasure."—*Law Times.*

"The work before us will, we think, be found of very great service to the practitioner. —*Solicitors' Journal.*

REGISTRATION.—**Browne's (G. Lathom) Parliamentary and Municipal Registration Act, 1878** (41 & 42 Vict. cap. 26); with an Introduction, Notes, and Additional Forms. By G. LATHOM BROWNE, of the Middle Temple, Esq., Barrister-at-Law. 12mo. 1878. 5*s.* 6*d.*

Rogers—*Vide* "Elections."

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

REGISTRATION CASES.—Hopwood and Coltman's Registration Cases.—Vol. I. (1868-1872). *Net*, 2*l.* 18*s.* Calf. Vol. II. (1873-1878). *Net*, 2*l.* 10*s.* Calf.

Coltman's Registration Cases.—Vol. I. Part I. (1879 – 80). *Net*, 10*s.*

RIVERS POLLUTION PREVENTION.—FitzGerald's Rivers Pollution Prevention Act, 1875.—With Explanatory Introduction, Notes, Cases, and Index. Royal 8vo. 1876. 3*s.* 6*d.*

ROMAN LAW.—Cumin.—*Vide* "Civil."

Greene's Outlines of Roman Law.—Consisting chiefly of an Analysis and Summary of the Institutes. For the use of Students. By T. WHITCOMBE GREENE, B.C.L., of Lincoln's Inn, Barrister-at-Law. Third Edition. Foolscap 8vo. 1875. 7*s.* 6*d.*

Mears' Student's Ortolan.—An Analysis of M. Ortolan's Institutes of Justinian, including the History and Generalization of ROMAN LAW. By T. LAMBERT MEARS, M.A., LL.D. Lond., of the Inner Temple, Barrister-at-Law. *Published by permission of the late M. Ortolan.* Post 8vo. 1876. 12*s.* 6*d.*

Ruegg.—*Vide* "Justinian."

SAUNDERS' REPORTS.—Williams' (Sir E. V.) Notes to Saunders' Reports.—By the late Serjeant WILLIAMS. Continued to the present time by the Right Hon. Sir EDWARD VAUGHAN WILLIAMS. 2 vols. Royal 8vo. 1871. 2*l.* 10*s.*

SETTLED ESTATES.—Middleton's Settled Estates Act, 1877, and the Settled Estates Act Orders, 1878, with Introduction, Notes and Forms, and Summary of Practice. Second Edition. By JAMES W. MIDDLETON, B.A., of Lincoln's Inn, Barrister-at-Law. 12mo. 1879. 4*s.* 6*d.*

"Will be found exceedingly useful to legal practitioners."—*Law Journal.*

SHERIFF LAW.—Churchill's Law of the Office and Duties of the Sheriff, with the Writs and Forms relating to the Office. By CAMERON CHURCHILL, B.A., of the Inner Temple, Barrister-at-Law, assisted by A. CARMICHAEL BRUCE, B.A., of Lincoln's Inn, Barrister-at-Law. Demy 8vo. 1879. 18*s.*

"This is a work upon a subject of large practical importance, and seems to have been compiled with exceptional care."—*Law Times.*

"Under-Sheriffs, and lawyers generally, will find this a useful book to have by them, both for perusal and reference."—*Law Magazine.*

SHIPPING, and *vide* "Admiralty."

Boyd's Merchant Shipping Laws; being a Consolidation of all the Merchant Shipping and Passenger Acts from 1854 to 1876, inclusive; with Notes of all the leading English and American Cases on the subjects affected by Legislation, and an Appendix containing the New Rules issued in October, 1876; forming a complete Treatise on Maritime Law. By A. C. BOYD, LLB., Esq., Barrister-at-Law, and Midland Circuit. 8vo. 1876. 1*l.* 5*s.*

"We can recommend the work as a very useful compendium of shipping law."—*Law Times.*

Foard's Treatise on the Law of Merchant Shipping and Freight.—By JAMES T. FOARD, Barrister-at-Law. Royal 8vo. 1880. *Half calf*, 1*l.* 1*s.*

SIGNING JUDGMENTS.—Walker.—*Vide* "Judgments."

SLANDER.—Odgers.—*Vide* "Libel and Slander."

SOLICITORS.—Cordery's Law relating to Solicitors of the Supreme Court of Judicature.—With an Appendix of Statutes and Rules. By A. CORDERY, of the Inner Temple, Esq., Barrister-at-Law. Demy 8vo. 1878. 14*s.*

"Mr. Cordery writes tersley and clearly, and displays in general great industry and care in the collection of cases."—*Solicitor's Journal.*

"The chapters on liability of solicitors and on lien may be selected as two of the best in the book."—*Law Journal.*

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

SOLICITORS' GUIDES.—*Vide* "Examination Guides."

SPECIFIC PERFORMANCE.—Fry's Treatise on the Specific Performance of Contracts.—Second Edition. By the Hon. Sir EDWARD FRY, one of the Judges of Her Majesty's High Court of Justice, assisted by W. DONALDSON RAWLINS, of Lincoln's Inn, Esq., Barrister-at-Law, M.A., and late Fellow of Trinity College, Cambridge. Royal 8vo. (*In the press.*)

STAMP LAWS.—Tilsley's Treatise on the Stamp Laws.—8vo. 1871. 18*s.*

STATUTE LAW.—Wilberforce on Statute Law.—The Principles which govern the Construction and Operation of Statutes. By EDWARD WILBERFORCE, of the Inner Temple, Esq., Barrister-at-Law. Demy 8vo. 1881. 18*s.*

"Mr. Wilberforce's book bears throughout conspicuous marks of research and care in treatment."—*Solicitors' Journal*, February 5, 1881.

"The author has attained the object which is proposed in the preface, and has succeeded in producing a useful work upon a difficult and complicated subject."—*Law Times*, March 5, 1881.

STATUTES, and *vide* "Acts of Parliament."

Chitty's Collection of Statutes from Magna Charta to 1880.—**A Collection of Statutes of Practical Utility; arranged in Alphabetical and Chronological order, with Notes thereon. The Fourth Edition, containing the Statutes and Cases down to the end of the Second Session of the year 1880. By J. M. LELY, Esq., Barrister-at-Law. In 6 very thick vols. Royal 8vo. (8,346 pp.) 1880. 12*l.* 12*s.***

*** **This Edition is printed in larger type than former Editions, and with increased facilities for Reference.**

"The codification of the Statutes, unlike the codification of the Common Law, presents indubitable advantages. The collection of the late Mr. Chitty and his subsequent editors is practically no less authoritative, and rendered more useful by the addition of commentary and decided cases, than an official code would be. The interval of 20 years hitherto observed between the editions of this work since its first appearance in 1825 has been conveniently shortened to 15 between the last edition and that now before us. It does not take long, in an era when legislation does everything for us and we do nothing for ourselves, for a roll of statutes to accumulate sufficient to make the *addenda* almost as voluminous as the body of the work. The Acts relating to Bankruptcy, Married Women's Property, Shipping, the Judicature, Bills of Sale, Artisans' Dwellings, and Public Worship are only a small sample of the important legislation which the new edition embodies. It was too late, however, to include the enactments of this year otherwise than in an appendix. The four volumes of the previous edition have been swollen to six; but the increase in bulk is amply compensated by a larger type and generally-increased usefulness. It is needless to enlarge on the value of "Chitty's Statutes" to both the Bar and to solicitors, for it is attested by the experience of many years. It only remains to point out that Mr. Lely's work in bringing up the collection to the present time is distinguished by care and judgment. The difficulties of the editor were chiefly those of selection and arrangement. A very slight laxness of rule in including or excluding certain classes of Acts would materially affect the size and compendiousness of the work. Still more important, however, is the way in which the mechanical difficulties of arrangement are met. The Statutes are compiled under sufficiently comprehensive titles, in alphabetical order. Mr. Lely, moreover, supplies us with three indices—the first, at the head of each title, to the enactments comprised in it; secondly, an index of Statutes in chronological order; and, lastly, a general index. By these cross references research into every branch of law governed by the Statutes is made easy both for lawyer and layman."—*The Times*, November 13, 1880.

"A very satisfactory edition of a time-honoured and most valuable work, the trusty guide of present, as of former, judges, jurists, and of all others connected with the administration or practice of the law."—*Justice of the Peace*, October 30, 1880.

"The practitioner has only to take down one of the compact volumes of Chitty, and he has at once before him all the legislation on the subject in hand."—*Solicitors' Journal*, November 6, 1880.

"'Chitty' is pre-eminently a friend in need. Those who do not possess a complete set of the statutes turn to its chronological index when they wish to consult a particular Act of Parliament. Those who wish to know what Acts are in force with reference to a particular subject turn to that head in 'Chitty,' and at once find all the material of which they are in quest. Moreover, they are, at the same time, referred to the most important cases which throw light on the subject."—*Law Journal*, November 20, 1880.

*** *All standard Law Works are kept in Stock, in law calf and other bindings.*

STATUTES.—*Continued.*

*The Revised Edition of the Statutes, A.D. 1235-1868, prepared under the direction of the Statute Law Committee, published by the authority of Her Majesty's Government. In 15 vols. Imperial 8vo. 1870–1878. 19*l.* 9*s.*

*Chronological Table of and Index to the Statutes to the end of the Second Session of 1880. Seventh Edition, imperial 8vo. 1881. 10*s.*

*Public General Statutes, royal 8vo, issued in parts and in complete volumes, and supplied immediately on publication.

* Printed by Her Majesty's Printers, and Sold by STEVENS & SONS.

SUMMARY CONVICTIONS.—Paley's Law and Practice of Summary Convictions under the Summary Jurisdiction Acts, 1848 and 1879; including Proceedings preliminary and subsequent to Convictions, and the responsibility of convicting Magistrates and their Officers, with Forms. Sixth Edition. By W. H. MACNAMARA, Esq., Barrister-at-Law. Demy 8vo. 1879 1*l.* 4*s.*

"We gladly welcome this good edition of a good book."—*Solicitors' Journal.*

Templer's Summary Jurisdiction Act, 1879.—Rules and Schedules of Forms. With Notes. By F. G. TEMPLER, Esq., Barrister-at-Law. Demy 8vo. 1880. 5*s.*

"We think this edition everything that could be desired."—*Sheffield Post.*

Wigram.—*Vide* "Justice of the Peace."

SUMMONSES AND ORDERS.—Archibald.—*Vide* "Judges' Chambers Practice."

TAXES ON SUCCESSION.—Trevor's Taxes on Succession.—A Digest of the Statutes and Cases (including those in Scotland and Ireland) relating to the Probate, Legacy and Succession Duties, with Practical Observations and Official Forms. Third Edition. Completely rearranged and thoroughly revised. By EVELYN FREETH and ROBERT J. WALLACE, of the Legacy and Succession Duty Office. Royal 12mo. 1880. 12*s.* 6*d.*

"Contains a great deal of practical information, which is likely to make it very useful to solicitors."—*Law Journal*, November 6, 1880.

"The mode of treatment of the subject adopted by the authors is eminently practical, and the same remark may be made as to the whole book. Chapter IV. contains forms and regulations, and in an appendix the statutes and tables are given in full."—*Solicitors' Journal*, November 13th, 1880.

TITHES.—Burnell.—The London City Tithe Act, 1879, and the other Tithe Acts effecting the Commutation and Redemption of Tithes in the City of London, with an Introduction and Notes, &c. By HENRY BLOMFIELD BURNELL, B.A., LL.B., of Lincoln's Inn, Esq., Barrister-at-Law. Demy 8vo. 1880. 10*s.* 6*d.*

TORTS.—Addison on Wrongs and their Remedies.—Being a Treatise on the Law of Torts. By C. G. ADDISON, Esq., Author of "The Law of Contracts." Fifth Edition. Re-written. By L. W. CAVE, Esq., M.A., one of Her Majesty's Counsel Recorder of Lincoln. Royal 8vo. 1879. 1*l.* 18*s.*

"As now presented, this valuable treatise must prove highly acceptable to judges and the profession."—*Law Times.*

"Cave's 'Addison on Torts' will be recognized as an indispensable addition to every lawyer's library."—*Law Magazine.*

Ball.—*Vide* "Common Law."

*** *All Standard Law Works are kept in Stock, in law calf and other bindings.*

TRADE MARKS.—Sebastian on the Law of Trade Marks.—The Law of Trade Marks and their Registration, and matters connected therewith, including a chapter on Goodwill. Together with Appendices containing Precedents of Injunctions, &c.; The Trade Marks Registration Acts, 1875—7, the Rules and Instructions thereunder; The Merchandise Marks Act, 1862, and other Statutory enactments; The United States Statute, 1870 and 1875, the Treaty with the United States, 1877; and the Rules and Instructions issued in February, 1878. With a copious Index. By LEWIS BOYD SEBASTIAN, B.C.L., M.A., of Lincoln's Inn, Esq., Barrister-at-Law. 8vo. 1878. 14*s.*

"The book cannot fail to be of service to a large class of lawyers."—*Solicitors' Journal.*

"Mr. Sebastian has written the fullest and most methodical book on trade marks which has appeared in England since the passing of the Trade Marks Registration Acts."—*Trade Marks.*

"Viewed as a compilation, the book leaves little to be desired. Viewed as a treatise on a subject of growing importance, it also strikes us as being well, and at any rate carefully executed."—*Law Journal.*

Sebastian's Digest of Cases of Trade Mark, Trade Name, Trade Secret, Goodwill, &c., decided in the Courts of the United Kingdom, India, the Colonies, and the United States of America. By LEWIS BOYD SEBASTIAN, B.C.L., M.A., of Lincoln's Inn, Esq., Barrister-at-Law, Author of "The Law of Trade Marks." Demy 8vo. 1879. 1*l.* 1*s.*

"A digest which will be of very great value to all practitioners who have to advise on matters connected with trade marks."—*Solicitors' Journal*, July 26, 1879.

Trade Marks Journal.—4to. Sewed. (*Issued fortnightly.*)

Nos. 1 *to* 214 *are now ready.*	*Net, each* 1*s.*
Index to Vol. I. (Nos. 1—47.)	*Net,* 3*s.*
Ditto, „ Vol. II. (Nos. 48—97.)	*Net,* 3*s.*
Ditto, „ Vol. III. (Nos. 98—123.)	*Net,* 3*s.*
Ditto, „ Vol. III. (Nos. 124—156.)	*Net,* 3*s.*
Ditto, „ Vol. IV. (Nos. 157—183.)	*Net,* 3*s.*
Ditto, „ Vol. V. (Nos. 184—209.)	*Net,* 3*s.*

Wood's Law of Trade Marks.—Containing the Merchandise Marks' Act, 1862, and the Trade Marks' Registration Act, 1875; with the Rules thereunder, and Practical Directions for obtaining Registration; with Notes, full Table of Cases and Index. By J. BIGLAND WOOD, Esq., Barrister-at-Law. 12mo. 1876. 5*s.*

TRUSTS AND TRUSTEES.—Godefroi's Digest of the Principles of the Law of Trusts and Trustees.—By HENRY GODEFROI, of Lincoln's Inn, Esq., Barrister-at-Law. Joint Author of "Godefroi and Shortt's Law of Railway Companies." Demy 8vo. 1879. 1*l.* 1*s.*

"No one who refers to this book for information on a question within its range is, we think, likely to go away unsatisfied."—*Saturday Review*, September 6, 1879.

"Is a work of great utility to the practitioner."—*Law Magazine.*

"As a digest of the law, Mr. Godefroi's work merits commendation, for the author's statements are brief and clear, and for his statements he refers to a goodly array of authorities. In the table of cases the references to the several contemporaneous reports are given, and there is a very copious index to subjects."—*Law Journal.*

USES.—Jones (W. Hanbury) on Uses.—8vo. 1862. 7*s.*

VENDORS AND PURCHASERS.—Dart's Vendors and Purchasers.—A Treatise on the Law and Practice relating to Vendors and Purchasers of Real Estate. By J. HENRY DART, of Lincoln's Inn, Esq., one of the Six Conveyancing Counsel of the High Court of Justice, Chancery Division. Fifth Edition. By the AUTHOR and WILLIAM BARBER, of Lincoln's Inn, Esq., Barrister-at-Law. 2 vols. Royal 8vo. 1876. 3*l.* 13*s.* 6*d.*

"A standard work like Mr. Dart's is beyond all praise."—*The Law Journal.*

WATERS.—Woolrych on the Law of Waters.—Including Rights in the Sea, Rivers, &c. Second Edition. 8vo. 1851. *Net*, 10*s*.

Goddard.—*Vide* "Easements."

WATERWORKS.—Palmer.—*Vide* "Conveyancing."

WILLS.—Rawlinson's Guide to Solicitors on taking Instructions for Wills.—8vo. 1874. 4*s*.

Theobald's Concise Treatise on the Construction of Wills.—With Table of Cases and Full Index. Second Edition. By H. S. THEOBALD, of the Inner Temple, Esq., Barrister-at-Law, and Fellow of Wadham College, Oxford. Demy 8vo. (*In the press.*)

OPINIONS OF THE PRESS ON THE FIRST EDITION.

"Mr. Theobald has certainly given evidence of extensive investigation, conscientious labour, and clear exposition."—*Law Magazine.*

"We desire to record our decided impression, after a somewhat careful examination, that this is a book of great ability and value. It bears on every page traces of care and sound judgment. It is certain to prove of great practical usefulness, for it supplies a want which was beginning to be distinctly felt."—*Solicitors' Journal.*

"His arrangement being good, and his statement of the effect of the decisions being clear, his work cannot fail to be of practical utility, and as such we can commend it to the attention of the profession."—*Law Times.*

WRONGS.—Addison.—*Vide* "Torts."

STEVENS & SONS' ANNOUNCEMENTS OF

NEW WORKS AND NEW EDITIONS.

Archibald's Handbook of the Practice in the Queen's Bench Division of the High Court of Justice; with Forms for the use of Country Solicitors. By *W. F. A. Archibald*, Esq., Barrister-at-Law, Author of "Forms of Summonses and Orders, with Notes for use at Judges' Chambers," &c. (*Nearly ready.*)

Bedford's Digest of the Preliminary Examination Questions, with the Answers. Second Edition. By *Edward Henslowe Bedford*, Solicitor. (*In preparation.*)

Braithwaite's Oaths in the Supreme Court of Judicature. Fourth Edition. (*In the press.*)

Browne's Probate Practice.—A Treatise on the Principles and Practice of the Court of Probate, in Contentious and Non-Contentious Business, with the Statutes, Rules, Fees, and Forms relating thereto. Second Edition. (*In preparation.*)

Bullen and Leake's Precedents of Pleading. Fourth Edition. By *T. J. Bullen*, Esq., Special Pleader, and *Cyril Dodd*, of the Inner Temple, Esq., Barrister-at-Law. (*In the press.*)

Daniell's Chancery Practice.—Sixth Edition. By *L. Field*, *E. C. Dunn*, and *T. Ribton*, assisted by *W. H. Upjohn*, Esqrs., Barristers-at-Law. In 2 Vols. Demy 8vo. (*In the press.*)

Fry's Specific Performance.—A Treatise on the Specific Performance of Contracts. Second Edition. By the Hon. *Sir Edward Fry*, one of the Judges of Her Majesty's High Court of Justice, assisted by *W. Donaldson Rawlins*, of Lincoln's Inn, Esq., Barrister-at-Law, M.A., and late Fellow of Trinity College, Cambridge. In 1 Vol. Royal 8vo. (*In the press.*)

Morgan and Davey's Treatise on Costs in Chancery. Second Edition. By the Right Hon. *George Osborne Morgan*, of Lincoln's Inn, one of Her Majesty's Counsel; assisted by *E. A. Wurtzburg*, of Lincoln's Inn, Esq., Barrister-at-Law. With an Appendix, containing Forms and Precedents of Bills of Costs. (*In preparation.*)

Peel's Chancery Actions.—A Concise Treatise on the Practice and Procedure in Chancery Actions. Second Edition. Including the Practice in Chambers. By *Sydney Peel*, of the Middle Temple, Esq., Barrister-at-Law. Demy 8vo. (*Nearly ready.*)

Prideaux's Precedents in Conveyancing.—With Dissertations on its Law and Practice. Tenth Edition. By *Frederick Prideaux*, late Professor of the Law of Real and Personal Property to the Inns of Court, and *John Whitcombe*, Esqrs., Barristers-at-Law. In 2 Vols. Royal 8vo. (*Nearly ready.*)

Shirley's Elementary Treatise on the Practice of Magistrates Courts. By *W. Shirley Shirley*, M.A., Esq., Barrister-at-Law and Northern Circuit. (*In preparation.*)

Theobald's Concise Treatise on the Construction of Wills.—Second Edition. By *H. S. Theobald*, of the Inner Temple, Esq., Barrister-at-Law. In 1 Vol. Demy 8vo. (*In the press.*)

Rogers on Elections, Registration, and Election Agency. Thirteenth Edition. Including Petitions and Municipal Elections and Registration. With an Appendix of Statutes and Forms. By JOHN CORRIE CARTER, of the Inner Temple and Midland Circuit, Barrister-at-Law. Royal 12mo. 1880. Price 1*l.* 12*s.* cloth.

Smith's Treatise on the Law of Negligence.—With Supplement containing "The Employers' Liability Act, 1880," with an Introduction and Notes. By HORACE SMITH, Esq., Barrister-at-Law. Demy 8vo. 1880. Price 10*s.* 6*d.* cloth

"The author occasionally attempts to criticise, as well as to catalogue, decisions, thus really helping lawyers, who rarely consult law books except when some question demanding a consideration of conflicting authorities has to be settled."—*The Times.*

Eddis' Principles of the Administration of Assets in Payment of Debts. By ARTHUR SHELLY EDDIS, one of Her Majesty's Counsel. Demy 8vo. 1880. Price 6*s.* cloth.

"In twelve chapters they (the students) may find condensed an amount of learning on the subject which could only otherwise be acquired at the expense of great labour and research."—*Law Journal.*

Baker's Law of Highways in England and Wales, including Bridges and Locomotives. Comprising a succinct code of the several provisions under each head, the Statutes at length in an Appendix; with Notes of Cases, Forms, and copious Index. By THOMAS BAKER, Esq., Barrister-at-Law. Royal 12mo. 1880. Price 15*s.* cloth.

"The work is clear, concise, and correct."—*Law Times.*

Jervis on the Office and Duties of Coroners.—With Forms and Precedents. Fourth Edition. By R. E. MELSHEIMER, Esq., Barrister-at-Law. Post 8vo. 1880. Price 12*s.* cloth.

Williams' Law of Executors and Administrators. — A Treatise on the Law of Executors and Administrators. Eighth Edition. By WALTER VAUGHAN WILLIAMS, and ROLAND VAUGHAN WILLIAMS, Esqrs., Barristers-at-Law. 2 vols. Royal 8vo. 1879. Price 3*l.* 16*s.* cloth.

"A treatise which occupies a unique position and which is recognised by the Bench and the profession as having paramount authority in the domain of law with which it deals."—*Law Journal.*

Haynes' Chancery Practice.—The Practice of the Chancery Division of the High Court of Justice and on Appeal therefrom. By JOHN F. HAYNES, LL.D. Demy 8vo. 1879. Price 1*l.* 5*s.* cloth.

Roscoe's Digest of the Law of Evidence on the Trial of Actions at Nisi Prius. Fourteenth Edition. By JOHN DAY, one of Her Majesty's Counsel, and MAURICE POWELL, Barrister-at-Law. Royal 12mo. 1879. Price 2*l.* cloth.

Prentice's Proceedings in an Action in the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice. By SAMUEL PRENTICE, Esq., one of Her Majesty's Counsel. Second Edition. Royal 12mo. 1880. Price 12*s.* cloth.

"The book can be safely recommended to students and practitioners."—*Law Times.*

Ball's Short Digest of the Common Law; being the Principles of Torts and Contracts, chiefly founded upon the works of Addison, **with Illustrative Cases,** for the use of Students. By W. EDMUND BALL, LL.B., late "Holt Scholar" of Gray's Inn, Barrister-at-Law, and Midland Circuit. Demy 8vo. 1880. Price 16*s.* cloth.

"Mr. Ball has produced a book which deserves to become popular among those for whom it is intended."—*Law Journal.*

Thring's Joint Stock Companies' Law.—The Law and Practice of Joint Stock and other Companies, including the Companies Acts, 1862 to 1880, with Notes, Orders, and Rules in Chancery, a Collection of Precedents of Memoranda and Articles of Association, and all the other Forms required in Making, Administering, and Winding-up a Company; also the Partnership Law Amendment Act, the Life Assurance Companies Acts, and other Acts relating to Companies. By Sir HENRY THRING, K.C.B., the Parliamentary Counsel. Fourth Edition. By G. A. R. FITZGERALD, Esq., M.A., Barrister-at-Law. Demy 8vo. 1880. Price 1*l.* 5*s.* cloth.

"The highest authority on the subject."—*The Times.*

Daniell's Forms and Precedents of Proceedings in the Chancery Division of the High Court of Justice and on Appeal therefrom; with Dissertations and Notes, forming a complete guide to the Practice of the Chancery Division of the High Court, and of the Courts of Appeal. Being the Third Edition of "Daniell's Chancery Forms." By W. H. UPJOHN, Esq., Student and Holt Scholar of Gray's Inn. Demy 8vo. 1879. Price 2*l.* 2*s.* cloth.

"Mr. Upjohn has restored the volume of Chancery Forms to the place it held before the recent change, as a trustworthy and complete collection of precedents."—*Sols.' Jour.*

Addison on Wrongs and their Remedies.—Being a Treatise on the Law of Torts. Fifth Edition. By L. W. CAVE, Esq., one of Her Majesty's Counsel. Royal 8vo. 1879. Price 1*l.* 18*s.* cloth.

"Cave's 'Addison on Torts' will be recognised as an indispensable addition to every lawyer's library."—*Law Magazine.*

Archbold's Practice of the Queen's Bench, Common Pleas and Exchequer Divisions of the High Court of Justice in Actions, &c., in which they have a Common Jurisdiction. Thirteenth Edition. By S. PRENTICE, Esq., Q.C. 2 vols., 8vo. 1879. Price 3*l.* 3*s.* cloth.

Chitty's Forms of Practical Proceedings in the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice. With Notes containing the Statutes, Rules, and Practice relating thereto. Eleventh Edition. By THOMAS WILLES CHITTY, Esq., Barrister-at-Law. 8vo. 1879. Price 1*l.* 18*s.* cloth.

Jepson's Lands Clauses Consolidation Acts; with Decisions, Forms, and Table of Costs. By ARTHUR JEPSON, Esq., Barrister-at-Law. Demy 8vo. 1880. Price 18*s.* cloth.

"The work concludes with a number of forms and a remarkably good index."—*Law Times.*

Browne's Divorce Practice.—A Treatise on the Principles and Practice of the Court for Divorce and Matrimonial Causes. With the Statutes, Rules, Fees and Forms relating thereto. Fourth Edition. By GEORGE BROWNE, Esq., B.A., Barrister-at-Law. Demy 8vo. 1880. Price 1*l.* 4*s.* cloth.

Smith's Compendium of the Law of Real and Personal Property.—Primarily connected with Conveyancing; designed as a Second Book for Students, and as a Digest of the most Useful Learning for Practitioners. By JOSIAH W. SMITH, B.C.L., Q.C. Fifth Edition. 2 vols. Demy 8vo. 1877. Price 2*l.* 2*s.* cloth.

"He has given to the student a book which he may read over and over again with profit and pleasure."—*Law Times.*

Smith's Manual of Equity Jurisprudence; for Practitioners and Students, founded on the works of Story, Spence, and other writers, and on more than a thousand subsequent cases; comprising the Fundamental Principles and the Points of Equity usually occurring in General Practice. By JOSIAH W. SMITH, B.C.L., Q.C. Thirteenth Edition. 12mo. 1880. Price 12*s.* 6*d.* cloth.

"There is no disguising the truth; the proper mode to use the book is to learn its pages by heart."—*Law Magazine.*

Haynes' Students' Leading Cases.—Being some of the Principal Decisions of the Courts in Constitutional Law, Common Law, Conveyancing and Equity, Probate and Divorce, Bankruptcy and Criminal Law. With Notes for the use of Students. By JOHN F. HAYNES, LL.D. Demy 8vo. 1878. Price 16*s.* cloth.

"Will prove of great utility, not only to students, but practitioners. The notes are clear, pointed, and concise."—*Law Times.*

Shirley's Leading Cases made Easy.—A Selection of Leading Cases in the Common Law. By W. SHIRLEY SHIRLEY, M.A., Esq., Barrister-at-Law, North-Eastern Circuit. 8vo. 1880. Price 14*s.* cloth.

"The selection is very large, though all are distinctly 'leading cases,' and the notes are by no means the least meritorious part of the work."—*Law Journal.*

Shirley's Sketch of the Criminal Law.—By W. SHIRLEY SH[illegible] ading Cases in the Common Law," ass[illegible]A., LL.M., Esqrs., Barristers-at-La[illegible] 6*d.* cloth.